



**REGULAR COMMON COUNCIL MEETING
SEPTEMBER 6, 2011
7:00 P.M.**

Regular Meeting	The Regular meeting of the Common Council of the City of Middletown was held in the Council Chamber of the Municipal Building on Monday, August 1, 2011 at 7 p.m.
Present	Mayor Sebastian N. Giuliano, Deputy Mayor Joseph E. Bibisi; Council Members: Thomas J. Serra, Ronald P. Klattenberg, Philip J. Pessina, Gerald E. Daley, Robert P. Santangelo, Hope P. Kasper, James B. Streeto, Grady L. Faulkner, Jr., Deborah A. Kleckowski, David Bauer, and Daniel Drew; Corporation Counsel William Howard, Sergeant-at-arms Acting Chief of Police Patrick McMahon; and Common Council Clerk Marie O. Norwood.
Also Present	Fifty members of the public
Meeting Called to Order	The Chair calls the meeting to order at 7:07 p.m. and leads the public in the Pledge of Allegiance.
Call of Meeting Read	The Call of the meeting is read and accepted. The Deputy Mayor declares this call a legal call and the meeting a legal meeting.
Motion to Amend Agenda	<p>Councilman Serra moves to amend the agenda by moving agenda item 3-3 as the first presentations and adds a fifth presentation, a State Proclamation. Councilman Pessina seconds the motion. The vote is called and it is unanimous to approve, with twelve aye votes by the members present and voting. The Acting Chair states the matter passes unanimously and the agenda is amended.</p> <p>The Chair asks for a motion to approve the minutes of July 5; Councilman Streeto so moves and is seconded by Councilman Bauer. The Chair calls for the vote and it is unanimous to approve with ten aye votes. Councilman Streeto abstains.</p>

<u>Agenda Items</u>	<u>3-1 through 3-5</u>
<u>Description</u>	<u>Presentations</u>
<u>Agenda Item</u>	<u>3-3</u>

The Chair states we will start with item 3-3 and he reads it into the record. Councilman Serra moves the resolution for approval and it is seconded by Councilman Pessina. The vote is called and it is unanimous to approve with twelve aye votes. The Chair states congratulations. Coach Nick Dagenais thanks the Mayor and Council for this recognition and it was an entire collaborative effort; swimmers put forth their effort supported by an enthusiastic parent group. He thanks his staff and the Parks and Recreation staff, especially Ray Jacobs and Deb Stanley. He also thanks the community for getting behind them at the Central Connecticut Summer Swim League championship meet at Middletown High School, for the volunteers and items given by businesses to make it a great event. He hopes the program can grow.

Councilman Bibisi states the Parks and Recreation Department should be congratulated; the Chair states they were. They got out of the way for them to do this and Councilman Bibisi makes a motion to congratulate them. The public offers their thanks by clapping. The Coach and Swimmers receive a copy of the resolution and a handshake from the members of the Council.

Resolution No.	132-11
File Name	ccvetspoolswimmers2011
Description (Approved)	Honoring Veteran's park Swim Team

WHEREAS, in 2007, an instructional and competitive swim program began within the Middletown Parks and Recreation Department for youth of the Greater Middletown area; since it began, the team has doubled its membership to over 100 swimmers; and

WHEREAS, the Middletown's Vet's Pool Summer Swim Team Program takes part in the Central Connecticut Summer Swim League and hosted more than 400 swimmers from throughout Connecticut at Middletown High School; and

WHEREAS, Nick Dagenais, Founder and program Director of the team saw his senior swimmers win Division III in 2009 take third place in the League Championships in 2010; and

WHEREAS, this season, the junior group swimmers, younger than 13, were undefeated and took first place as Division III champions and, at the Central Connecticut summer Swim League championships placed third, with 13 teams competing; and

WHEREAS, the senior swimmers, 13 and over, took first place at the Central Connecticut Summer Swim League Championships held on August 3, 2011 at Middletown High School, winning the title for 2011.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That we congratulate the Vet's Pool Swim Team, juniors and seniors for their outstanding 2011 performance in capturing the Division Championship; we also commend them for their performance in the Central Connecticut Summer Swim League Championships; and

BE IT FURTHER RESOLVED: That we encourage the swimmers to continue with their dedication and team spirit in future seasons; and

BE IT FURTHER RESOLVED: That we thank Nick Dagenais, Program Director, the coaches and the Vet Pool Staff for bringing out the best efforts of our swimmers.

Agenda Item **3-1**

The Chair states we move to agenda item 3-1; he states we are getting an award from H. D. Segur. He asks for a motion to accept; Councilwoman Kleckowski moves to accept the award and the motion is seconded by Councilman Klattenberg. Luc-John Pentz, Management Specialist is joined by Carl Temme, Partner. Mr. Pentz states our agency has been the agent of record for the City and Board of Education since the early 1990's and we have endured together financial crisis, terrorist attack and Board of Education shootings, changing the way schools operated and now the current State situation. Safety work management and security are part of our lives. Our agency has provided quality risk management to municipalities more than any other agency and it is the risk management and safety issues that we provide at no extra cost. Risk management and safety are pushed to the back burner. With the City of Middletown and 2011, City Hall security renovations, this is your commitment to risk management. With support from the Common Council and Mayor the Building and Security Committee embarked on a collaborative effort on the safety features while maintaining a welcoming aspect for the general public. He presents a temporary award to be replaced by a permanent plaque recognizing the efforts of various individuals on this project. He reads the plaque.

The Chair states we didn't think we would be getting recognized; just thought it was a sensible thing to do and everyone who participated really put their best foot forward and did it economically and didn't sacrifice safety but managed to find reasonable approaches to security without turning it into a bunker. It is the same welcoming building and we are just a bit safer. He thanks them for recognizing us and will proudly display this and the permanent plaque when it comes in.

Agenda Item **3-2**

The Chair recognizes Councilman Drew for item 3-2; I know John is here. Councilman Drew reads the resolution honoring John Hall. He moves it for approval and the motion is seconded by Councilman Serra. The Chair states without objection, the motion is adopted by acclamation. Councilman Drew states John is a role model for me and the community; he deals with people with compassion and care and is a constant force of good in the community. He has touched my life in a number of ways and it is an honor to honor him.

John Hall thanks Councilman Drew for initiating this resolution and he appreciates the emphasis on reaching out to people in the community and through the Jonah Center he has enjoyed getting to know all of you on the Council; we have not always agreed on every issue and he respects that. He came to see the ability to disagree on one issue and then go on to work on another issue without harboring dislike or distrust. He is now the Energy Coordinator and is in City Hall 2-1/2 days a week and looks forward to working with you all. Thank you very much.

Councilman Klattenberg has known John for five or six years and they have worked together; he is on the Clean Energy Task Force and one of the most active members. The credible part of John's role, when years ago when people heard the term Jonah Center of Earth and Art, people shook their heads as to what the organization is and he brought it from bewilderment to a premier environmental group. He was the chief architect to try to bring methane gas from the land fill; he tried to work on the canoe launch in that area and he is a passionate advocate against the idling of city vehicles. John is going to take on a new role, an important one which is to monitor the expenses that have been paid to Honeywell to reduce our energy needs. He

congratulates him on this award. The Mayor states he is a heck of a Shakespearean actor. Councilman Pessina thanks Rev. Hall; when he was doing Community Policing, Rev. Hall is who I reached out to. He was innovative in dealing with youth and reaching out. That is what he truly appreciates from him; the other thing is the Jonah Project which is outstanding. We have a man for all seasons looking out for energy; could it be solar panels next. Good luck.

Resolution No.	File Name	Description (Approved)

133-11
ccjohnhall2011.doc
Honoring John Hall.

WHEREAS, John C. Hall retired as Minister from the First church of Christ Congregational after 21 years; and

WHEREAS, John was the 15th Minister of First church which was the original congregation organized by the settlers who came to Middletown in 1650; and

WHEREAS, his ministry was welcoming and affirming to all members of the community into church life; and

WHEREAS, the Church played a leading role in the Connecticut Conference of the United Church of Christ to support legal marriage for same sex couples in Connecticut; and

WHEREAS, through his ministry, First Church made a special effort in accepting and understanding people who suffer mental illness and to appreciate the difficulties they bear both by the illness itself and the stigma attached to it; First Church has an on-going ministry and outreach to patients at the Connecticut Valley Hospital; and

WHEREAS, he began an annual memorial service at the cemetery at Connecticut Valley Hospital to name and honor the patients buried in numbered graves; and

WHEREAS, John has been an advocate for Middletown's natural environment; he is a member of the Clean Energy Task Force which has played a role for energy conservation measures in municipal buildings; and

WHEREAS, John is a founder of the Jonah Center for Earth and Art, a not for profit organization working with the community on environmental issues; the organization, founded in 2004, involves our citizens in the appreciation of our natural environment and promoting and adopting eco-friendly practices.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That we congratulate John C. Hall on his retirement from the First Church of Christ, Congregational; and

BE IT FURTHER RESOLVED: That we thank him for advocating understanding, respect and tolerance within the community for all people, as well as his continued efforts in promoting eco-friendly practices within the community.

Agenda Item

3-4

The Chair states he will read agenda item 3-4. Councilman Serra moves the resolution for approval and his motion is seconded by Councilman Pessina. The vote is called and it is unanimous to approve. The Chair states the matter passes unanimously.

Mrs. Novak comes forward to receive the resolution and states she is honored to be able to do this in memory of our son, husband, and sibling and that a plaque will be put out there and on behalf of my husband and daughter-in-law would like to say thank you to Tony Jaskot and John Milardo for putting it together for us; I also hope you never have to use this. The Novak family receives a standing ovation

The Chair states AED's do save lives and you never know when someone will need it and to have it at Palmer Field, we are honored to accept it in Rob's memory.

Resolution No.	File Name	Description (Approved)

134-11
prnovakaeddonation
Approving accepting an AED for Palmer Field from the Novak Family.

Whereas, Robert “Rob” A. Novak Jr. was born in Middletown Connecticut on July 10, 1974, to Robert Sr. and Barbara (Roberts) Novak, both lifelong residents who continue to reside in Middletown; and

Whereas, Rob attended local schools, and was a 1992 graduate of Xavier High School, where he loved playing football for Coach Anthony Jaskot, as well as being a member of Xavier's track and field team; and

Whereas, Rob spent many days of his youth at Palmer Field Stadium with his younger brother Gregory, watching and participating in sports; and

Whereas, During his youth, Robert and his siblings, Jill and Gregory, would watch the July 4th fireworks at Palmer Field Stadium from his grandparents Frank and Rose Novak's house on Butternut Street; and

Whereas, Upon Robert’s graduation from Xavier High School, he was accepted and attended Villanova University, where he completed his studies and graduated with a degree in engineering: and

Whereas, Robert Novak Jr. was a Principal and Civil Engineer at the “BL Companies” of Meriden, Connecticut and resided in Deep River Connecticut with his wife Sage, and two daughters, Grace and Natalie: and

Whereas, On June 7, 2008, at the age of 33, Robert A. Novak Jr. was involved in a motor vehicle accident and unexpectedly passed away due to cardiac arrest, sadly leaving his loving wife, children, family and friends: and

Whereas, Rob would want to help prevent a tragedy of this nature from happening to anyone else: and

Whereas, An annual “Rob Novak Memorial Golf Tournament” has been held by family and friends of Robert’s for the past three (3) years in the month of June, at Lyman’s Orchards Golf Club, in Middlefield, Connecticut: and

Whereas, Proceeds from the “Rob Novak Memorial Golf Tournament”, enabled Novak family members to donate an Automated External Defibrillator (AED), to the City of Middletown, Parks & Recreation Department, to be kept at Palmer Field Stadium, a beloved facility of Rob’s: and

Now, therefore, be it resolved by the Common Council of the City of Middletown: That an Automated External Defibrillator (AED), donated to the City of Middletown by the Novak family, in loving memory of Robert A. Novak, Jr., is respectfully accepted, with the hopes that it will never have to be used for its intended purpose, but in the event it must, will save the life of the person it touches.

Agenda Item	3-5
Description	Proclamation Dannel P. Malloy for September 11

The Chair received a proclamation from Daniel T. Malloy regarding the September 11 anniversary; he reads it into the record. He will pass it to the Clerk of the Council. The Chair states the City will hold events beginning at 8 a.m. on the South Green on September 11 and later in the day there will be a ceremony at South Fire, installing a piece of metal framework from the Trade Center that will always be mounted at South Fire. He encourages everyone to be there.

Agenda Item	4
Description	Approval of Minutes

The Chair asks if there are any deletions or corrections to the minutes; hearing none he requests a motion to approve the minutes of the regular Common Council meeting of August 1, 2011 at 7 p.m. meeting; Special Meetings of August 1, 2011 at 6 p.m., and August 11, 2011 at 7 p.m.; the minutes of the meetings having been deposited with the Mayor and Corporation Counsel and copies of the same having been served on each and every Council Member, the reading of the same having been dispensed with, Councilman Serra moves them for approval and there is a second by Councilman Pessina. Councilman Serra abstains from the vote on the minutes of August 11, 2011; Councilwoman Kasper abstains from the vote on all the minutes as presented; Councilman Streeto abstains from the vote on August 11, 2011; Councilwoman Kleckowski abstains from the vote of the minutes of August 1, 2011; and Councilman Klattenberg abstains from the vote on the minutes of August 1, 2011 at 6 and 7 p.m. and August 11 at 7 p.m. Hearing no further discussion, the Chair calls for the vote on the minutes. They are approved unanimously with the noted abstentions. The Chair states the matters are adopted with the abstentions noted.

Agenda Items	5 and 6
Description	Public Hearing Opens on Agenda Items

Public Hearing Opens

The Acting Chair opens the public hearing on agenda items at 7:39 p.m., with particular emphasis on bond ordinances and the elimination of a City Department. He asks if any members wish to speak on the ordinances or other matters to come forward. Larry McHugh representing Middlesex Chamber of Commerce will support many items; the \$300,000 for the Capital Theater project. That building is one that has to come down because it is a danger. Second of all he applauds the Mayor, Tom Serra and Bill Warner for the membership to Mattabassett and Gerry and everyone on the Economic Development Commission. That is a dream, but he might not see the end of it. That will open the riverfront for us and save money in the long run for the City. He wants to applaud all of you behind the scenes on this project. It is important for the future of the City. He also supports the \$14 million for the sidewalks, roads, and Public Works facility improvements. He supports improvement of infrastructure. If it is not improved, we face problems. It puts people to work. Infrastructure jobs put a tremendous amount of people in the construction trades to work; this helps out. Also the ordinance for \$550,000

for the parking facility in Kings and Clinton Avenue area. He thanks the Tine family and Bill Warner. This is important to the north end of Middletown. They have done a tremendous job in the north end. There are other areas that people are working on, but parking is needed and it addresses a major need in the north end. He would like the Council to support this.

Phil Ouellette is supporting the north end parking lot. He is wearing three different hats. He is an owner of Eli's Taproom; the second, as a property owner at 675 Main Street including the Taproom and 10 apartments; and third, the future partner in Nora's Cupcake Company. We are in negotiation for two store fronts where old Tibet store was. The name Nora is an acronym for north of Rapallo Avenue. They are following what New York City has done like naming areas like SoHo and Dumbo; by changing a name, it may change the perception of the area. When we came in 18 years ago, it was a bad area and they never thought it was. We will change the name of the whole neighborhood without your permission and the name change will bring in better tenants and create excitement in the area. They hope it will bring in better businesses, destination instead of foot traffic. However, the parking lot is needed. The property the City has to acquire, it is owned by the Tine family. They have helped Middletown in many ways and if the project does go through, he hopes the Tine name will be part of the project. Eli Cannon's will donate \$500 for that to occur. If you are curious about the box in front of you, however, I have been informed by someone that boxes have been opened. He guarantees once the cupcake is smelled and people see you eating it, people will attack you so save it for outside the building.

Sal Caracoglia states for the past couple of years, he has been victimized and threatened; the Chair asks what agenda item. Mr. Caracoglia states 8H, the police. The Chair asks how it deals with 8H. Mr. Caracoglia states he has received complaints on these two issues and two weeks ago he received two separate Internal Affairs reports from Internal Affairs. The Chair states the grant deals with underage drinking laws. Mr. Caracoglia responds the thing is this government is oppressive on the first amendment right and we can't bring anything to you unless it is on the agenda and no citizen has access. The Chair responds there is a community public meeting. Mr. Caracoglia states what happens at the community meetings doesn't matter. He has the Internal Affairs letters here. The Chair states there is nothing on the agenda regarding internal affairs. Mr. Caracoglia states he went to the police to bring the complaint and they gave him 5 minutes. The Chair states you get 5 minutes here and you have three to go. Mr. Caracoglia discusses the complaint. The Chair tells him that is not on the agenda. Mr. Caracoglia responds it is about the grant. The Chair states you are not discussing underage drinking did you drink with an under-aged person. Mr. Caracoglia replies he asked the Council to investigate the Police Department. The Chair states discussion is only agenda items. Mr. Caracoglia states at the community meeting, nothing happens. The Chair states the community meeting is not a hearing. The Chair states this is on agenda items, and your time as expired.

The Chair asks for other members to speak on agenda items. Earle Roberts states relative to 7-1 for \$13 million for Mattabassett, he hopes in your deliberations you come to a decision what the total costs will be borne by the public. He is supportive of the concept but not the location. His concern with this proposal is the total cost and what he has learned about the aquifers is 90% involve the Connecticut River. He is for the updates at Mattabassett. He supported and made a suggestion to utilize the Pratt site and there is no public aquifer site or need. The shelf life of Mattabassett is not much beyond our lifetime and it should be considered. Mr. Hogan agreed with him off the record. On 7-2 for road projects and sidewalks, two months ago he came to Public Works and expressed his feelings to the committee and relative to the Eastern end of Bow Lane and he supported rebuilding that portion and as of 2 months ago, the project has not been done. It doesn't make sense in planning these projections on the roads; we say we can't keep up and maybe we are doing it the wrong way. Are we getting the best bang for our buck for the linear foot. He sees Maple Shade and Sisk Street and he hopes they don't have to wait six years like he and his neighbors. You should ask the Director and get a report. We have to do better. Resolution 10-5, the movie theater is it \$222,000 or \$300,000 and he reads in the fine print it is being bid at \$222,000. He supports the parking lot and in the bargaining, he would like to see Saint Vincent dePaul off Main Street. We could use the building with a taxpayer. Lastly, is a resolution to eliminate Consumer Protection; there are enough State agencies to cover all those interests. We have websites and information galore. He hopes this concept doesn't stop with this one part. We need to assign, through the Mayor, a concept that looks at all the departments and now is the prime moment to do so.

Robert Poliner representing the Tine family and property owner in the Nowa area which is north of Washington Street. In any event, the point is that

investments the City makes in Nowa and Nora are good investments to add parking and lighting and to add attractions that bring consumers that bring shoppers. They are all important things; not merely in our sections of Main St., but throughout. When we do that we add to the luster of the City. He has seen and studied what can occur when municipalities force property owners to do something against their will and what has happened here with Tine Family and the City is the way it is supposed to be. There were good faith negotiations that will result in enhancements for the City and fair compensation to the property owner. He is in support of the resolutions to purchase the property on Kings Avenue and the appropriation for that purpose.

Beth Emery speaks to the appropriation for the road bond and the questions she has, was consideration given to the Public Act 09-154 enacted in 2009 which is improving bicycle transportation. It says from funds received by the Department for construction, restoration, rehabilitation for highways roads and streets and reasonable amount for all users for bikeways, sidewalks and curb cuts; she spoke with someone that municipalities are obligated to follow this and she was clear that they are. Her request is a friendly amendment that states the City intends to be in compliance with the Streets Act of 2009. A lot of cities and municipalities are not following through and we do have an obligation to follow through. There are a few streets on the list and we need to identify streets that need to be attended to in this way; East Main Street, Old Saybrook Road, Millbrook Road; this is a 20 year project and it could be awhile before we get there. We should pay attention to this and make the provisions that the law obligates us to pay attention to. Councilman Serra states will you give that to the Chair of Public Works to address that to see if it is appropriate.

The Chair asks for other members of the public to come forward at this time. AnnMarie Cannata as a visitor in Middletown and she supports what Beth has to say and we should encourage bike paths and being aggressive in what we have to do. Some of the ideas Beth talks about, it should be addressed. Saybrook Road, she sees people walking there all the time. Talking about bike paths, what if you shut down one lane and use it for a bike path and for people who want to walk. She supports the City being green and caring about our citizens. When things get tough, we have to come together and work together. She thanks them for their time and attention.

Public Hearing Closed

The Chair asks if there are other members of the public who wish to speak to come forward. Seeing none, the Chair closes the public hearing on agenda items at 8:07 p.m.

The Council Clerk is asked to read the appropriation requests and the Certificate of the Director of Finance.

MAYOR'S OFFICE
MUNICIPAL BUILDING

NOTICE OF PUBLIC HEARING

Notice is hereby given that a regular meeting of the Common Council of the City of Middletown will be held in the Council Chamber of the Municipal Building on **Tuesday, September 6, 2011** at 7 o'clock p.m. to consider and act upon the following:

Public Works \$300,000, Account No. 1000-27000-59129, Capitol Theater Bldg Demolish,
General Fund

Any and all persons interested may appear and be heard.

ATTEST:
SEBASTIAN N. GIULIANO
Mayor

NOTICE OF PUBLIC HEARING

Notice is hereby given that a meeting of the Common Council of the City of Middletown will be held in the Council Chamber of the Municipal Building on Tuesday, September 6, 2011 at 7 o'clock p.m. to consider and act upon the following:

AN ORDINANCE APPROPRIATING \$13,200,000 FOR PAYMENT OF THE CITY OF MIDDLETOWN MATTABASSETT DISTRICT MEMBERSHIP FEE AND ASSOCIATED COSTS AND AUTHORIZING THE ISSUE OF \$13,200,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKINGS OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

AN ORDINANCE APPROPRIATING \$14,170,000 FOR THE CITY OF MIDDLETOWN 2011 ROAD, SIDEWALK AND PUBLIC WORKS FACILITIES IMPROVEMENT PROGRAM AND AUTHORIZING THE ISSUE OF \$14,170,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKINGS OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

AN ORDINANCE APPROPRIATING \$350,000 FOR WATERLINE IMPROVEMENTS IN THE APPROACH TO THE ARRIGONI BRIDGE AND AUTHORIZING THE ISSUE OF \$350,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKINGS OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

AN ORDINANCE APPROPRIATING \$550,000 TO ACQUIRE PROPERTY AND CONSTRUCT PUBLIC PARKINGS FACILITIES IN THE KINGS AND CLINTON AVENUE AREA AND AUTHORIZING THE ISSUE OF \$550,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKINGS OF TEMPORARY BORROWINGS FOR SUCH PURPOSE

The complete texts of the proposed ordinances are on file and open to public inspection in the office of the City Clerk.

Attest:
SEBASTIAN N. GIULIANO
Mayor

Agenda Item	7
Description	Appropriation Requests

Councilman Klattenberg is recognized by the Chair and reads the appropriation request and moves it for approval; Councilman Drew seconds the motion. The Chair states the appropriation has been moved and seconded and calls for the vote. It is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously.

Public Works	\$300,000, Account No. 1000-27000-59129, Capitol Theater Bldg
	Demolish, General Fund.
(Approved)	

Agenda Item	7-1
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Councilman Streeto is recognized and reads through Section 1 of the bond ordinance regarding membership to Mattabassett .

Motion to Waive Rules	<p>Councilman Drew moves to waive the rules to waive the rest of the reading of the ordinance; Councilman Bauer seconds the motion. The Chair calls for the vote and it is unanimous to waive the rest of the reading of the ordinance.</p> <p>The Chair states you may move the ordinance and if seconded, you can speak to it. Councilman Streeto so moves and is seconded by Councilman Serra.</p>
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Councilman Streeto states this is one of the more important things we vote on this term. We are all aware of the parameters of the deal and it is in everybody's interest to vote in a bipartisan way. People should be made aware of that in some fashion because citizens may have sticker shock. The alternative is more expensive and less effective from a community perspective. Councilman Serra states there is some history for this; this process was started in 1994 and that is 17 years trying to get this done. This will stabilize future sewer rates. We won't have to build our own that could cost \$50 million more. The bond rating and interest rates are very low. We are very solvent in our financial responsibility. During the Questions to Directors meeting, the Finance Director said we can handle not only this one, but all the rest. This is infrastructure and we need to take advantage of the interest rate for all the bonds including the road bond. For me, everyone needs to vote for this and make the public aware of its importance and a secondary factor is the harbor improvement. Let us do this to stabilize our sewer rates and not build our own sewer plant.

Councilman Drew states he wants to emphasize doing nothing is not an option. We have to build a new plant or join Mattabassett and this is the less expensive and better option. We can develop the river area. We have to do something and this is the best choice.

Councilman Pessina states you are a humble person and he thanks the Mayor for taking this torch that was left to you and moving it forward. It is a big step due to economic vitality. Citizens won't have to spend exorbitant amounts to build a new plant and this is the opportunity for a boat launch. It is ridiculous we have to go over the bridge or up to Cromwell to launch a boat. This is the first step we will make on this.

Councilman Bibisi states economically this benefits New Britain, Berlin, Cromwell, and Middletown; everyone will benefit from it. Taxpayers will see a difference in the usage. This is a home run. We have over 4,000 registered boaters in Middletown and we don't have a boat launch.

Councilman Daley states he rarely says that Councilman Streeto understated something, but I think he did in this case. This is not nearly one of the most important votes we will take and he believes this may be the most important vote as a member of the Council. Some of us will not see the full fruition of this action; this is important for me because of the potential for economic development it opens up. We have an opportunity to do something that makes economic sense for the entire region. We can share the quality of the Connecticut River for years to come and it will benefit residents for future sewer rates by stabilizing rates and it will create new jobs and grow the grand list for the City for many years to come. We need to get the message out to the community so they see the benefits of this. Doing nothing will cost more. Interest rates are low and it is the right thing to do. He will support this tonight.

Councilwoman Kasper states she agrees with Councilman Streeto and we have to get the message out to the community that this is a very important vote and it is the first step to removing our facility and down the road creating businesses and jobs. They need to know the less expensive approach to this.

Councilman Santangelo states in listening to what I heard I agree and am in support of the project. We have been supporting this project for 18 years and it has finally arrived. There is much more that went into this. What he heard tonight about progress and moving forward, but sometimes it is slow. This is one of the most significant projects because it is the start of the development of the river front. It will offer a lot of things to us. It is taking its time and this is the first step and it took 18 years to get to this point. It is huge for the City of Middletown; it means growth, economic growth. We should urge the taxpayers to look at this project.

Councilman Bauer states to put it in context, he remembers his dad advocating joining the district 40 years ago. That is how far reaching this is. He emphasizes it is expensive and complicated. There are elements that we are not voting on and the voters have to realize that. He would like a fact sheet developed about this. This is the most important project of our generation to ensure a solid operation of the important City functions. This is a step toward regionalization and if we do it right some of the lessons we learn as we regionalize, the State tells us to get with regionalization for municipal services and if this body does it correctly there might be other success stories to build on this.

Councilman Serra states 17 years and detours we had to take; it was not our fault, but as Councilman Pessina made us aware of your (Mayor) participation, Councilman Bibisi was involved and Senator Gerantano, Senator Doyle, my brother, Rep. Serra and Rep. Christy Carpino and they facilitated this at the State. There are many more steps. The next step is partial payment of expansion and it will all make our steps easier and the citizens need to do this.

The Chair states doing nothing is not an option. Mattabassett is aging as well; it is almost as old as ours and doing nothing or not combining will have a negative environmental impact on the river front. What got us to this point is Mayor Serra, followed by Mayor Holzberg, Thornton, and yours truly have enjoyed the support of every citizen in Middletown. Because they have spoken as one voice helped move this. Nothing bad can happen by seeing this effort to its conclusion. Only good things; environmentally and economically in terms of quality of life. There are other burdens we will have to pick up. This bond authorization is the buy in. There is an asset; the plant has a value and the bond represents our share of the value. It is a general obligation bond because being able to do this is the first building block of the waterfront area where our own waste water treatment plant is. The next is the layout of the pump station to join Mattabassett and that will be a referendum to the public and will be an authorization for general obligation, and that force main will be paid by users. The \$13 million is a benefit to all Middletown residents. The \$100 million improvement is also subject to reimbursement by the Clean Water Fund and that will be carried by the district. The buy-in is an obligation to all citizens. The force main and pump station is for the users and the improvements are for all members, including New Britain, Berlin, and Cromwell. It is complicated, but makes sense and it benefits all the members. Instead of having two aging wastewaters putting effluent into the Connecticut river there will be one updated plant so it benefits everyone. It has been a long time coming. The citizens of Middletown have told us for many years to go in this direction and he is confident about the vote tonight and the vote by the citizens; they will ratify it. Because it is a bond ordinance, the vote is by roll call. As I call your name, he asks that those in favor say aye and those against nay.

Councilman Bauer	Aye
Councilman Bibisi	Aye
Councilman Daley	Aye
Councilman Drew	Aye
Councilman Faulkner	Aye
Councilwoman Kasper	Aye
Councilman Klattenberg	Aye
Councilwoman Kleckowski	Aye
Councilman Pessina	Aye
Councilman Santangelo	Aye
Councilman Serra	Aye, 17 years worth of
Councilman Streeto	Aye

The Chair states the ordinance is adopted unanimously.

Ordinance No.	16-11
File Name	2011MATTABASSETTMEMBERSHIPBOND.DOCX
Description	AN ORDINANCE APPROPRIATING \$13,200,000 FOR PAYMENT OF THE CITY OF MIDDLETOWN MATTABASSETT DISTRICT MEMBERSHIP FEE AND ASSOCIATED COSTS AND AUTHORIZING THE ISSUE OF \$13,200,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKINGS OF TEMPORARY BORROWINGS FOR SUCH PURPOSE.
(Approved)	BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN:

Section 1. The sum of \$13.2 million is appropriated for the City of Middletown to pay to the Mattabassett District (the "District") to become a member of the District in accordance with Special Act No. 11-15, as amended, \$13 million of which is for payment to the District (such payment hereafter the "Membership Fee"). The appropriation shall include contract administration, consultants, legal, financing, printing, advertising and related expenses.

Section 2. Conditions to Payment. Payment of the Membership Fee shall not occur unless: 1) the current District constituent members and the District Board of Directors have voted to approve the membership of the City of Middletown, and 2) the City approves an appropriation and bond authorization in an amount estimated to be required to construct facilities to transport the City's wastewater to the Mattabassett District's wastewater treatment plant, including pipelines, pumping station, land and easement acquisitions, regulatory compliance and permits.

Section 3. The expected useful life of the project is fifty years or greater. The total estimated cost of the project is \$13.2 Million no portion of which is expected to be paid from sources other than the proposed bond issue. It is hereby found and determined by the Council that the project is a single improvement constituting a general benefit to the City of Middletown and its general governmental purposes.

Section 4. To meet said appropriation \$13.2 Million bonds of the City, or so much thereof as may be necessary for said purpose, may be issued, maturing not later than the twentieth year after their date, or such later date as may be allowed by law. The bonds may be issued in one or more series as shall be determined by the Mayor and the City Treasurer, and the amount of bonds of each series to be issued shall be fixed by the Mayor and the City Treasurer, provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, or, be combined with other bonds of the City and such combined issue shall be in the denomination per aggregate maturity of \$1,000 or a whole multiple thereof, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the City by the manual or facsimile signatures of the Mayor and the City Treasurer, bear the City seal or a facsimile thereof, be certified by a bank or trust company designated by the Mayor and the City Treasurer, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by the Mayor and the City Treasurer, and be approved as to their legality by Bond Counsel. They shall bear such rate or rates of interest as shall be determined by the Mayor and the City Treasurer. The bonds shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon and paid from property taxation to the extent not paid from other funds available for the payment thereof. The aggregate principal amount of the bonds, annual installments of principal, redemption provisions, if any, the date, time of issue and sale and other terms, details and particulars of such bonds, shall be determined by the Mayor and the City Treasurer in accordance with the requirements of the General Statutes of Connecticut, as amended.

Section 5. In connection with the issuance of any bonds or notes authorized herein, the City may exercise any power delegated to municipalities pursuant to Section 7-370b, including the authority to enter into agreements moderating interest rate fluctuation, provided any such agreement or exercise of authority shall be approved by the Common Council. In order to meet the capital cash flow expenditure needs of the City, the Mayor and City Treasurer are authorized to allocate and reallocate expenditures incurred for the Project to any bonds or notes of the City outstanding as of the date of such allocation, and the bonds or notes to which such expenditures have been allocated shall be deemed to have been issued for such purpose, including the bonds and notes and Project herein authorized.

Section 6. Said bonds shall be sold by the Mayor and City Treasurer in a competitive offering or by negotiation, in their discretion. If sold at competitive offering, the bonds shall be at not less than par and accrued interest on the basis of the lowest net or true interest cost to the City, or comparable method. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. If the bonds are sold by negotiation

the purchase contract shall be approved by the Mayor and City Treasurer. With respect to the receipt of original issuance premium or bid premium upon the sale of the bonds or notes herein authorized, the Mayor and City Treasurer are authorized, but not required, to apply original issuance premium and bid premium, if applicable, to fund any purpose for which bonds of the City are authorized to be issued, and such application shall reduce the amount of authorized and unissued bonds of the purpose to which the premium was applied, in the amount so applied.

Section 7. The issue of the bonds aforesaid and of all other bonds or notes of the City heretofore authorized but not yet issued, as of the effective date of this Ordinance, would not cause the indebtedness of the City to exceed any debt limit calculated in accordance with law as shown by the "Debt Statement" attached hereto.

Section 8. The Mayor is hereby authorized to spend a sum not to exceed the aforesaid appropriation for the purposes set forth herein, and the Mayor is specifically authorized to make, execute and deliver any contract or contracts, and any other documents necessary or convenient to complete the improvements authorized herein and the financing thereof.

Section 9. The Mayor and the City Treasurer are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of any series of said bonds. Notes evidencing such borrowings shall be signed by the manual or facsimile signatures of the Mayor and the City Treasurer, have the seal of the City or a facsimile thereof affixed, be payable at a bank or trust company designated by the Mayor and the City Treasurer, be certified by a bank or trust company designated by the Mayor and the City Treasurer pursuant to Section 7-373 of the General Statutes of Connecticut, as amended, and be approved as to their legality by Bond Counsel. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the City and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the project. Upon the sale of said bonds the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such temporary borrowings then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 10. Resolution of Official Intent to Reimburse Expenditures with Borrowings. The City hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and after the date of passage of this ordinance in the maximum amount and for the capital project defined in Section 1 with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the City. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the project, or such later date the Regulations may authorize. The Issuer hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Director of Finance or his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration.

Section 11. The Director of Finance is hereby authorized to exercise all powers conferred by Section 3-20e of the general statutes with respect to secondary market disclosure and to provide annual information and notices of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this ordinance.

Section 12. It is hereby found and determined that the issue of all, or a portion of, the Bonds, Notes or other obligations of the City authorized to be issued herein as qualified private activity bonds, or with interest that is includable in gross income of the holders thereof for purposes of federal income taxation, is in the public interest. The Mayor and the Treasurer are hereby authorized to issue and utilize without further approval any financing alternative available to municipal governments pursuant to HR1, "Making Supplemental Appropriations for Job Preservation and Creation, Infrastructure Investment, Energy Efficiency and Science, Assistance to the Unemployed, and State and Local Fiscal Stabilization, for the Fiscal Year Ending September 30, 2009, and for other purposes" (the "American Recovery and Reinvestment Act of 2009"), as the same may be reauthorized or reenacted, or analogous legislation, including but not limited to any "tax credit bond," or "Build America Bonds" including Direct payment and Tax Credit Versions.

Section 13. This ordinance shall take effect when the same shall have been approved by a majority of those voting thereon at a referendum called and warned for such purpose, and upon satisfaction of conditions precedent to the admission of the City to the Mattabassett District, including those set forth in Special Act 11-15, "An act concerning the Mattabassett District", as amended. The date of such referendum shall be determined by resolution of the Common Council. In the event that this ordinance shall not be approved at such referendum, it shall be null and void and of no effect. In the event this ordinance is approved, it shall remain in effect until December 31, 2013, at which time if the conditions precedent to payment of the Membership Fee have not occurred, it shall become void and of no effect.

Section 14. The City and Town Clerk is hereby authorized and directed to prepare pursuant to section 9-369b of the Connecticut General Statutes explanatory text for the foregoing question and the preparation and printing of materials concerning the question approved above in addition to the explanatory text in accordance with section 9-369b of the Connecticut General Statutes.

DEBT STATEMENT
August 1, 2011
CITY OF MIDDLETOWN, CONNECTICUT

ANNUAL RECEIPTS FROM TAXATION AND REIMBURSEMENTS ("BASE")		
Fiscal Year Ended June 30, 2009		101,003,827
BORROWING CAPACITY FOR EACH CLASS		
2-1/4 times base for General Purposes		227,258,611
4-1/2 times base for Schools		454,517,222
3-3/4 times base for Sewers		378,764,351
3-1/4 times base for Urban Renewal		328,262,438
3 times base for Unfunded Past Benefit Obligations		303,011,481
MAXIMUM AGGREGATE BORROWING CAPACITY		707,026,789
7 times Base		
INDEBTEDNESS BONDS AND NOTES:		
GENERAL PURPOSES	27,977,150	
SCHOOLS	28,216,800	
SEWERS	4,341,850	
URBAN RENEWAL	-	
UNFUNDED PAST BENEFIT OBLIGATIONS	-	
BONDS AND NOTES AUTHORIZED BUT UNISSUED:		
GENERAL PURPOSES	44,145,331	
SCHOOLS	923,449	
SEWERS	8,954,040	
URBAN RENEWAL	-	
UNFUNDED PAST BENEFIT OBLIGATIONS	-	
CLEAN WATER FUND LOANS:		
SEWERS	6,681,645	
SUB-TOTAL INDEBTEDNESS	121,240,265	
LESS		
FEDERAL AND STATE OF CONNECTICUT BUILDING GRANTS, COMMITMENTS AND RECEIVABLES		
GENERAL PURPOSE	-	
SCHOOLS	-	
SEWERS	-	
URBAL RENEWAL	-	
TOTAL DEDUCTIONS	-	
NET INDEBTEDNESS		121,240,265
TOTAL DEDUCTIONS		
BALANCE OF BORROWING CAPACITY FOR EACH CLASS:		
GENERAL PURPOSE	155,136,130	
SCHOOLS	425,376,973	
SEWERS	358,786,816	
URBAL RENEWAL	328,262,438	
UNFUNDED PAST BENEFIT OBLIGATIONS	303,011,481	
BALANCE OF MAXIMUM AGGREGATE BORROWING CAPACITY AVAILABLE		585,786,524

Agenda Item 7-2

Councilman Klattenberg reads through Section 1 of the bond ordinance for roads, sidewalks, and Public Works facilities.

Motion to Waive Rules

Councilman Streeto moves to waive the reading of the rest of the bond ordinance and Councilman Pessina seconds the motion. The Chair calls for the vote. It is unanimous to waive the reading of the ordinance with twelve aye votes. The Chair states the matter passes unanimously.

Councilman Klattenberg moves the bond ordinance for approval and asks to speak to it. Councilman Streeto seconds the motion.

Councilman Klattenberg states the Public Works Department did an excellent job putting together roads and projects to keep the infrastructure as excellent as it has been for residents and those who work in Middletown. They have heard about how good the roads are compared to other municipalities. These appropriations are essential to keep infrastructure at a premium and this ordinance needs to be evaluated and he has a difference of opinion on how the wording of the ordinance is worded and it should not be listed as road bonds; it should be infrastructure improvements to handle more than roads and sidewalks and some of the comments made by Beth Emery are extremely well taken and the context does not provide for provisions of Public Act 09-154 and the roads have not been engineered to accommodate bicyclists or joggers. In the context of the words approved by Bond Counsel,

it would be inappropriate to add the language as proposed, but the design in these projects of 09-154 for bicyclists and joggers has to be included and as Chair, he will see that it is included. That opinion goes back at least ten years. There wasn't much sensitivity to those concerns as there is today. He asks for the Council's support to have this go to referendum.

Councilman Serra states the reason for this road infrastructure ordinance and the \$14 million is because we missed a road bond. It has been four years. We had the high school that we had to take care of and pay down that debt and we are starting to pay that down and the \$14 million for infrastructure is crucial and the interest rates are low. Even though economics are the way they are and we are still fiscally sound and can pay these bonds down according to the Finance Director.

Councilman Streeto states he wanted to state the amount is making up missing a bond a couple of years ago and he would note on Councilman Klattenberg's point, the proposed improvements for pedestrian and bike paths, he thinks there is enough flexibility in the language in the design and he suggests that the majority of next year's Council is sitting and as a consequence they should keep it in mind. Once the bond is approved, things will come back to Public Works. This is not all scheduled. It needs to be designed and processed. There is ample opportunity to build that into the process.

Councilman Pessina states in looking over the streets, there are two that he is familiar with Millbrook Road and Timber Ridge. He had a recent occasion to visit Timber Ridge and that road should be at the top of the list. It is in terrible condition. There are a number of streets here. He is glad to see them on the list. The other thing about bicycle paths and pedestrian walkways. New Haven has done this; it is nothing new that we can't do. There are bike paths and pedestrian walkways on heavily trafficked streets in New Haven. The roads should be accessible to bikes and pedestrians.

Councilman Bauer states he will support sending this referendum to the voters but he thinks in this day and age there is a lot we could and should do. We have the technology these days for spreadsheets and budgets. They should be easy to create and share with the public. He is concerned they are going the other way. He suggests that going forward just the same way we talked and voted on the ombudsman for ADA and senior services, I think we need a contact agency for all these projects; whatever name you want to apply. We need a permanent oversight committee and we need a committee where the specified elements come up and all the paper work is presented so if someone wants to see something about these projects at one point of time, all the paperwork will be in one place. If someone said they would like to see the information on building the high school, it would be there but with these various projects, that doesn't occur and we should have that. The other thing is he would also like embedded here and a comment made about Timber Ridge, that is a relatively new development and new road and how rigorous are we when we accept roads from the developer. There are a number of issues; going forward he believes we need to be flexible on how we approach the transportation grid. I am concerned about the safety that I would have venturing out on a bicycle. We need to have a place to have these conversations at the right time when we get around to the specific elements of the authorization of this bond. When we do bond, we not only have to pay the principal but the interest. It is difficult times and we can't have an abrupt stop, but he would like to see knowing this is something that happens every year. Why can't we develop a plan and switch from borrowing to having a process to pay as we go; then the taxpayer gets the value of every cent we have to put in. If we can make the transition, I would call upon the Council as the fiduciary body, to make that transition.

Councilman Faulkner states he will support this as a member of Insurance and Claims; we get a lot of claims for some of these streets and he looks forward to having them repaired and maintained. The other issue regarding bike paths and throwing them in and he recommends that we have a committee focus on that in terms of design in relationship with areas that already have it and the talks include the Risk Manager so she is involved from the start because they have claims for that as well.

The Chair states that it is a general act and we would be under obligation to do that. Ms Emery states the Council would have to vote to exclude certain roads from it and the provision is in the law and applies to the Council doing the work. The Chair states whether we add the language, it is the law; it is there. He thanks her for bringing it up. It is there and will be incorporated into their design. He calls the vote by roll call stating those in favor indicate by saying aye and if in opposition, nay and or abstain.

Councilman Bibisi	Aye
Councilman Daley	Aye
Councilman Drew	Aye
Councilman Faulkner	Aye
Councilwoman Kasper	Aye
Councilman Klattenberg	Aye
Councilwoman Kleckowski	Aye
Councilman Pessina	Aye
Councilman Santangelo	Aye
Councilman Serra	Aye
Councilman Streeto	Aye

The Chair states ordinance 7-2 is adopted unanimously.

Ordinance No.
File Name
Description

17-11
201114170000RoadBond.doc.docx
AN ORDINANCE APPROPRIATING \$14,170,000 FOR THE CITY OF MIDDLETOWN 2011 ROAD, SIDEWALK AND PUBLIC WORKS FACILITES IMPROVEMENT PROGRAM AND AUTHORIZING THE ISSUE OF \$14,170,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKINGS OF TEMPORARY BORROWINGS FOR SUCH PURPOSE.

(Approved)

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN:

Section 1. The sum of \$14,170,000 is appropriated for the City of Middletown 2011 Road, Sidewalk and Public Works Facilities Improvement Program consisting of the planning, acquisition and construction of improvements to City roads, sidewalks and public works facilities, including paving, drainage, curbing, pipe inspections, pavement treatment and related improvements, utility relocation and repair, reconstruction or repair of abutting properties, sidewalk repair, replacement and extension, guardrails, public work building and structure improvements and for testing, consultant services, administrative, printing, legal, and financing costs related thereto, said improvements to be made at all or any portion of the locations set forth in Schedule A hereto (hereafter the "Project"). The Common Council may, by resolution, add to or delete from Schedule A any location or improvement authorized herein, provided, however, that the total appropriation and bond authorization shall not be increased.

Section 2. The expected useful life of the project is twenty years. The total estimated cost of the project is \$14.17 Million no portion of which is expected to be paid from sources other than the proposed bond issue. It is hereby found and determined by the Council that the project is a single improvement constituting a general benefit to the City of Middletown and its general governmental purposes.

Section 3. To meet said appropriation \$14.17 Million bonds of the City, or so much thereof as may be necessary for said purpose, may be issued, maturing not later than the twentieth year after their date, or such later date as may be allowed by law. The bonds may be issued in one or more series as shall be determined by the Mayor and the City Treasurer, and the amount of bonds of each series to be issued shall be fixed by the Mayor and the City Treasurer, provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, or, be combined with other bonds of the City and such combined issue shall be in the denomination per aggregate maturity of \$1,000 or a whole multiple thereof, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the City by the manual or facsimile signatures of the Mayor and the City Treasurer, bear the City seal or a facsimile thereof, be certified by a bank or trust company designated by the Mayor and the City Treasurer, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by the Mayor and the City Treasurer, and be approved as to their legality by Bond Counsel. They shall bear such rate or rates of interest as shall be determined by the Mayor and the City Treasurer. The bonds shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon and paid from property taxation to the extent not paid from other funds available for the payment thereof. The aggregate principal amount of the bonds, annual installments of principal, redemption provisions, if any, the date, time of issue and sale and other terms, details and particulars of such bonds, shall be determined by the Mayor and the City Treasurer in accordance with the requirements of the General Statutes of Connecticut, as amended.

Section 4. In connection with the issuance of any bonds or notes authorized herein, the City may exercise any power delegated to municipalities pursuant to Section 7-370b, including the authority to enter into agreements moderating interest rate fluctuation, provided any such agreement or exercise of authority shall be approved by the Common Council. In order to meet the capital cash flow expenditure needs of the City, the Mayor and City Treasurer are authorized to allocate and reallocate expenditures incurred for the Project to any bonds or notes of the City outstanding as of the date of such allocation, and the bonds or notes to which such expenditures have been allocated shall be deemed to have been issued for such purpose, including the bonds and notes and Project herein authorized.

Section 5. Said bonds shall be sold by the Mayor and City Treasurer in a competitive offering or by negotiation, in their discretion. If sold at competitive offering, the bonds shall be at not less than par and accrued interest on the basis of the lowest net or true interest cost to the City, or comparable method. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. If the bonds are sold by negotiation the purchase contract shall be approved by the Mayor and City Treasurer. With respect to the

receipt of original issuance premium or bid premium upon the sale of the bonds or notes herein authorized, the Mayor and City Treasurer are authorized, but not required, to apply original issuance premium and bid premium, if applicable, to fund any purpose for which bonds of the City are authorized to be issued, and such application shall reduce the amount of authorized and unissued bonds of the purpose to which the premium was applied, in the amount so applied.

Section 6. The issue of the bonds aforesaid and of all other bonds or notes of the City heretofore authorized but not yet issued, as of the effective date of this Ordinance, would not cause the indebtedness of the City to exceed any debt limit calculated in accordance with law as shown by the "Debt Statement" attached hereto.

Section 7. The Mayor is hereby authorized to spend a sum not to exceed the aforesaid appropriation for the purposes set forth herein, and the Mayor is specifically authorized to make, execute and deliver any contract or contracts, and any other documents necessary or convenient to complete the improvements authorized herein and the financing thereof.

Section 8. The Mayor and the City Treasurer are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of any series of said bonds. Notes evidencing such borrowings shall be signed by the manual or facsimile signatures of the Mayor and the City Treasurer, have the seal of the City or a facsimile thereof affixed, be payable at a bank or trust company designated by the Mayor and the City Treasurer, be certified by a bank or trust company designated by the Mayor and the City Treasurer pursuant to Section 7-373 of the General Statutes of Connecticut, as amended, and be approved as to their legality by Bond Counsel. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the City and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the project. Upon the sale of said bonds the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such temporary borrowings then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 9. Resolution of Official Intent to Reimburse Expenditures with Borrowings. The City hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and after the date of passage of this ordinance in the maximum amount and for the capital project defined in Section 1 with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the City. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the project, or such later date the Regulations may authorize. The Issuer hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Director of Finance or his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration.

Section 10. The Director of Finance is hereby authorized to exercise all powers conferred by Section 3-20e of the general statutes with respect to secondary market disclosure and to provide annual information and notices of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this ordinance.

Section 11. It is hereby found and determined that the issue of all, or a portion of, the Bonds, Notes or other obligations of the City authorized to be issued herein as qualified private activity bonds, or with interest that is includable in gross income of the holders thereof for purposes of federal income taxation, is in the public interest. The Mayor and the Treasurer are hereby authorized to issue and utilize without further approval any financing alternative available to municipal governments pursuant to HR1, "Making Supplemental Appropriations for Job Preservation and Creation, Infrastructure Investment, Energy Efficiency and Science, Assistance to the Unemployed, and State and Local Fiscal Stabilization, for the Fiscal Year Ending September 30, 2009, and for other purposes" (the "American Recovery and Reinvestment Act of 2009"), as the same may be reauthorized or reenacted, or analogous legislation, including but not limited to any "tax credit bond," or "Build America Bonds" including Direct payment and Tax Credit Versions.

Section 12. This ordinance shall take effect when the same shall have been approved by a majority of those voting thereon at a referendum called and warned for such purpose.

Section 13. The City and Town Clerk is hereby authorized and to prepare pursuant to section 9-369b of the Connecticut General Statutes explanatory text for the foregoing question and the preparation and printing of materials concerning the question approved above in addition to the explanatory text in accordance with section 9-369b of the Connecticut General Statutes.

PROJECT

ESTIMATED COSTS

1. Birchwood Drive	\$470,000
2. Brush Hill Road	275,000
3. Chamberlain Hill Improvements	400,000
4. Coe Avenue	300,000
5.Cranberry Lane	350,000
6. Deerfield Avenue	210,000
7. DEP Compliance	150,000

any streets throughout city subject to compliance	
8. Dingwall Drive	215,000
9. East Main Street	425,000
10. East Ridge Road	600,000
11. Fairlawn Avenue	100,000
12. Fir Lane	140,000
13. Footit Drive	525,000
14. city yard improvements including but not limited to: Fuel Dispensing System/Salt storage building	300,000
15. GIS Update	300,000
16. Green Briar Circle	100,000
17. Hemlock Place	275,000
18. Hillcrest Avenue	185,000
19. Kings Avenue, Parking Lot	0
20. Long Hill Road	600,000
21. Maple Shade Road	100,000
22. Main Street Crosswalks	100,000
23. Main Street Sidewalks	225,000
24. Millbrook Road	1,200,000
25. Norfolk Street	125,000
26. Overlook Avenue	180,000
27. Pavement Management System	100,000
28. Peachtree Lane	90,000
29. Ridge Road	600,000
30. Route 9 Tunnel Access	550,000
31. Russell Street	225,000
32. Saybrook Road	850,000
33. Sisk Street	750,000
34. Spruce Street	470,000
35. Timber Ridge Road	1,250,000
36. Walnut Grove Road/ Veterans Park	1,100,000
37. Willow Avenue	85,000
Bonding Fees	250,000
TOTAL	\$14,170,000

DEBT STATEMENT
August 1, 2011
CITY OF MIDDLETOWN, CONNECTICUT

ANNUAL RECEIPTS FROM TAXATION AND REIMBURSEMENTS ("BASE")		
Fiscal Year Ended June 30, 2009		101,003,827
BORROWING CAPACITY FOR EACH CLASS		
2-1/4 times base for General Purposes		227,258,611
4-1/2 times base for Schools		454,517,222
3-3/4 times base for Sewers		378,764,351
3-1/4 times base for Urban Renewal		328,262,438
3 times base for Unfunded Past Benefit Obligations		303,011,481
MAXIMUM AGGREGATE BORROWING CAPACITY		707,026,789
7 times Base		
INDEBTEDNESS BONDS AND NOTES:		
GENERAL PURPOSES	27,977,150	
SCHOOLS	28,216,800	
SEWERS	4,341,850	
URBAN RENEWAL	-	
UNFUNDED PAST BENEFIT OBLIGATIONS	-	
BONDS AND NOTES AUTHORIZED BUT UNISSUED:		
GENERAL PURPOSES	44,145,331	
SCHOOLS	923,449	
SEWERS	8,954,040	
URBAN RENEWAL	-	
UNFUNDED PAST BENEFIT OBLIGATIONS	-	
CLEAN WATER FUND LOANS:		
SEWERS	6,681,645	
SUB-TOTAL INDEBTEDNESS	121,240,265	
LESS		
FEDERAL AND STATE OF CONNECTICUT BUILDING GRANTS, COMMITMENTS AND RECEIVABLES		
GENERAL PURPOSE	-	
SCHOOLS	-	
SEWERS	-	
URBAL RENEWAL	-	
TOTAL DEDUCTIONS	-	
NET INDEBTEDNESS		121,240,265
TOTAL DEDUCTIONS		
BALANCE OF BORROWING CAPACITY FOR EACH CLASS:		
GENERAL PURPOSE	155,136,130	
SCHOOLS	425,376,973	
SEWERS	358,786,816	
URBAL RENEWAL	328,262,438	
UNFUNDED PAST BENEFIT OBLIGATIONS	303,011,481	
BALANCE OF MAXIMUM AGGREGATE BORROWING CAPACITY AVAILABLE		585,786,524

Agenda Item 7-3

	Councilman Streeto reads ordinance 7-3, Waterline Improvements in the amount of \$350,000 through Section 1.
Noted for the Record	Council Members Serra and Drew leave their seats in the Chamber at 8:54 p.m.
Motion to Waive Rules	Councilman Daley moves to waive the reading of the rest of the ordinance; Councilman Faulkner seconds the motion. The Chair calls for the vote; it is eleven aye votes by Council Members Serra, Klattenberg, Pessina, Daley, Bibisi, Kasper, Streeto, Faulkner, Kleckowski, and Drew; and one nay vote by Councilman Bauer. The Chair states the matter passes with one in opposition and no abstentions. Councilman Streeto moves the bond ordinance for approval and Councilman Faulkner seconds the motion. Councilman Streeto is recognized by the Chair. He states he is a little concerned that this is less well known and will get lost in the shuffle.
Noted for the Record	Councilman Serra takes his seat in the Chamber at 8:55 p.m. Councilman Streeto states his intention is to inform the Council of the parameters of this project. The pipes are over 100 years old and they are fragile and anyone who operates in the north end knows we get regular water

breaks in pipes of this age. He believes they are buried about 15 feet deep. The opportunity to do this with the Arrigoni Bridge project will minimize the dislocation and the work is needed. This is another NoRa project and we will get exceptional pure water to the cup cake factory. He urges the Council to pass this.

Councilman Pessina states he will support this; however he wants to make sure and will defer to Public Works Commission members and the WPCA make sure the State DOT on this project coordinates with the expansion of Route 9. He would hate to see this work and the expansion of Route 9 that the citizens will not be hit twice with this project. He would want the water authority to insure they are talking to each other and when the project or if it comes up they don't have to redo this whole project.

Noted for the Record

Councilman Drew returns to his seat in the Chamber at 8:59 p.m.

The Chair states what millennium will they do the project. Councilman Bauer states the pipe goes back to 1893 and in parts, it is buried up to 15 feet because of the evolution of construction in the area. They are discussing the area in Saint John's Square and it is near the overpass. There is another problem that has exacerbated is that the water line is not insulated so there is the potential for ice build-up. They will provide insulation and hopefully that will reduce the number of breaks. What the State does on Route 9, that may take another 40 years. It is a good improvement project today.

The Chair, hearing no further discussion, calls the vote by roll call:

Councilman Bauer	Aye
Councilman Bibisi	Aye
Councilman Daley	Aye
Councilman Drew	Aye
Councilman Faulkner	Aye
Councilwoman Kasper	Aye
Councilman Klattenberg	Aye
Councilwoman Kleckowski	Aye
Councilman Pessina	Aye
Councilman Santangelo	Aye
Councilman Serra	Aye
Councilman Streeto	Aye

The Chair states the matter is adopted unanimously.

Ordinance No.
File Name
Description

18-11
2011350000WATERLINE.Docx
AN ORDINANCE APPROPRIATING \$350,000 FOR WATERLINE IMPROVEMENTS IN THE APPROACH TO THE ARRIGONI BRIDGE AND AUTHORIZING THE ISSUE OF \$350,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKINGS OF TEMPORARY BORROWINGS FOR SUCH PURPOSE.

(Approved)

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN:

Section 1. The sum of \$350,000 is appropriated for water line improvements in the area of the approach to the Arrigoni Bridge and St. John's Church (the "Project"). The Project shall consist of the repair, refurbishment or replacement of water lines, be performed to the extent feasible in conjunction with work being performed in the area by the State DOT on the Arrigoni bridge, and include but not be limited to paving, drainage, curbing, pipe inspections, pavement treatment and related improvements, utility relocation and repair, reconstruction or repair of abutting properties, sidewalk repair, paving, design, land and easement acquisition, landscaping and reconfiguration, aesthetic improvements consultant services, administrative, printing, legal, and financing costs related thereto. The Mayor is authorized to enter into contracts and take such action as necessary to implement and complete the Project.

Section 2. The expected useful life of the project is twenty years. The total estimated cost of the project is \$350,000 no portion of which is expected to be paid from sources other than the proposed bond issue. It is hereby found and determined by the Council that the project is a single improvement constituting a general benefit to the City of Middletown and its general governmental purposes.

Section 3. To meet said appropriation \$350,000 bonds of the City, or so much thereof as may be necessary for said purpose, may be issued, maturing not later than the twentieth year after their date, or such later date as may be allowed by law. The bonds may be issued in one or more series as shall be determined by the Mayor and the City Treasurer, and the amount of bonds of each series to be issued shall be fixed by the Mayor and the City Treasurer, provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and

legal costs of issuing the bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, or, be combined with other bonds of the City and such combined issue shall be in the denomination per aggregate maturity of \$1,000 or a whole multiple thereof, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the City by the manual or facsimile signatures of the Mayor and the City Treasurer, bear the City seal or a facsimile thereof, be certified by a bank or trust company designated by the Mayor and the City Treasurer, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by the Mayor and the City Treasurer, and be approved as to their legality by Bond Counsel. They shall bear such rate or rates of interest as shall be determined by the Mayor and the City Treasurer. The bonds shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon and paid from property taxation to the extent not paid from other funds available for the payment thereof. The aggregate principal amount of the bonds, annual installments of principal, redemption provisions, if any, the date, time of issue and sale and other terms, details and particulars of such bonds, shall be determined by the Mayor and the City Treasurer in accordance with the requirements of the General Statutes of Connecticut, as amended.

Section 4. In connection with the issuance of any bonds or notes authorized herein, the City may exercise any power delegated to municipalities pursuant to Section 7-370b, including the authority to enter into agreements moderating interest rate fluctuation, provided any such agreement or exercise of authority shall be approved by the Common Council. In order to meet the capital cash flow expenditure needs of the City, the Mayor and City Treasurer are authorized to allocate and reallocate expenditures incurred for the Project to any bonds or notes of the City outstanding as of the date of such allocation, and the bonds or notes to which such expenditures have been allocated shall be deemed to have been issued for such purpose, including the bonds and notes and Project herein authorized.

Section 5. Said bonds shall be sold by the Mayor and City Treasurer in a competitive offering or by negotiation, in their discretion. If sold at competitive offering, the bonds shall be at not less than par and accrued interest on the basis of the lowest net or true interest cost to the City, or comparable method. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. If the bonds are sold by negotiation the purchase contract shall be approved by the Mayor and City Treasurer. With respect to the receipt of original issuance premium or bid premium upon the sale of the bonds or notes herein authorized, the Mayor and City Treasurer are authorized, but not required, to apply original issuance premium and bid premium, if applicable, to fund any purpose for which bonds of the City are authorized to be issued, and such application shall reduce the amount of authorized and unissued bonds of the purpose to which the premium was applied, in the amount so applied.

Section 6. The issue of the bonds aforesaid and of all other bonds or notes of the City heretofore authorized but not yet issued, as of the effective date of this Ordinance, would not cause the indebtedness of the City to exceed any debt limit calculated in accordance with law as shown by the "Debt Statement" attached hereto.

Section 7. The Mayor is hereby authorized to spend a sum not to exceed the aforesaid appropriation for the purposes set forth herein, and the Mayor is specifically authorized to make, execute and deliver any contract or contracts, and any other documents necessary or convenient to complete the improvements authorized herein and the financing thereof.

Section 8. The Mayor and the City Treasurer are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of any series of said bonds. Notes evidencing such borrowings shall be signed by the manual or facsimile signatures of the Mayor and the City Treasurer, have the seal of the City or a facsimile thereof affixed, be payable at a bank or trust company designated by the Mayor and the City Treasurer, be certified by a bank or trust company designated by the Mayor and the City Treasurer pursuant to Section 7-373 of the General Statutes of Connecticut, as amended, and be approved as to their legality by Bond Counsel. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the City and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the project. Upon the sale of said bonds the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such temporary borrowings then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 9. Resolution of Official Intent to Reimburse Expenditures with Borrowings. The City hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and after the date of passage of this ordinance in the maximum amount and for the capital project defined in Section 1 with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the City. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the project, or such later date the Regulations may authorize. The Issuer hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Director of Finance or his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration.

Section 10. The Director of Finance is hereby authorized to exercise all powers conferred by Section 3-20e of the general statutes with respect to secondary market disclosure and to provide annual information and notices of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this ordinance.

Section 11. It is hereby found and determined that the issue of all, or a portion of, the Bonds, Notes or other obligations of the City authorized to be issued herein as qualified private activity bonds, or with interest that is includable in gross income of the holders thereof for purposes of federal income taxation, is in the public interest. The Mayor and the Treasurer are hereby authorized to issue and utilize without further approval any financing alternative available to municipal governments pursuant to HR1, "Making Supplemental Appropriations for Job

Preservation and Creation, Infrastructure Investment, Energy Efficiency and Science, Assistance to the Unemployed, and State and Local Fiscal Stabilization, for the Fiscal Year Ending September 30, 2009, and for other purposes” (the “American Recovery and Reinvestment Act of 2009”), as the same may be reauthorized or reenacted, or analogous legislation, including but not limited to any “tax credit bond,” or “Build America Bonds” including Direct payment and Tax Credit Versions.

DEBT STATEMENT
August 1, 2011
CITY OF MIDDLETOWN, CONNECTICUT

ANNUAL RECEIPTS FROM TAXATION AND REIMBURSEMENTS ("BASE")		
Fiscal Year Ended June 30, 2009		101,003,827
BORROWING CAPACITY FOR EACH CLASS		
2-1/4 times base for General Purposes		227,258,611
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3-3/4 times base for Sewers		378,764,351
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3 times base for Unfunded Past Benefit Obligations		303,011,481
MAXIMUM AGGREGATE BORROWING CAPACITY		707,026,789
7 times Base		
INDEBTEDNESS BONDS AND NOTES:		
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SCHOOLS	28,216,800	
SEWERS	4,341,850	
URBAN RENEWAL	-	
UNFUNDED PAST BENEFIT OBLIGATIONS	-	
BONDS AND NOTES AUTHORIZED BUT UNISSUED:		
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SCHOOLS	923,449	
SEWERS	8,954,040	
URBAN RENEWAL	-	
UNFUNDED PAST BENEFIT OBLIGATIONS	-	
CLEAN WATER FUND LOANS:		
SEWERS	6,681,645	
SUB-TOTAL INDEBTEDNESS	121,240,265	
LESS		
FEDERAL AND STATE OF CONNECTICUT BUILDING GRANTS, COMMITMENTS AND RECEIVABLES		
GENERAL PURPOSE	-	
SCHOOLS	-	
SEWERS	-	
URBAL RENEWAL	-	
TOTAL DEDUCTIONS	-	
NET INDEBTEDNESS		121,240,265
TOTAL DEDUCTIONS		
BALANCE OF BORROWING CAPACITY FOR EACH CLASS:		
GENERAL PURPOSE	155,136,130	
SCHOOLS	425,376,973	
SEWERS	358,786,816	
URBAL RENEWAL	328,262,438	
UNFUNDED PAST BENEFIT OBLIGATIONS	303,011,481	
BALANCE OF MAXIMUM AGGREGATE BORROWING CAPACITY AVAILABLE		585,786,524

Agenda Item 7-4

Councilman Serra reads bond ordinance agenda item 7-4, Section 1 regarding Kings and Clinton Avenues parking facility.

Motion to Waive Rules

Councilman Pessina moves to waive the reading of the entire ordinance; Councilman Drew seconds the motion. The Chair states the motion is made to waive the reading of the bond ordinance and calls for discussion. Seeing none, he calls for the vote. It is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously.

Councilman Serra moves the ordinance for approval and his motion is seconded by Councilman Pessina.

Councilman Drew states he will support this enthusiastically. They took up a number of infrastructure improvements and this is one of them. They looked at this closely at EDC and this looks like a solid way to increase consumer traffic. It will give us the infrastructure to bring new retail and jobs. He

wishes Mr. Ouellette, owner of Eli Cannon good luck on his new venture. He thanks him for his investment in the north end and looks forward to supporting you and other businesses.

Councilman Bauer states he will not support this and this project has been rolled out phase after phase after phase. He doesn't think it is the right way to do it. It started out with the City handing over a 55-space parking lot; we then waived building fees of \$146,000 and now there is a parking lot and we have a picture of it and the budget doesn't match it. He doesn't like the comingling of funds. We also and he didn't get a good explanation why they had to include in the contract the threat of eminent domain and when he sees the picture he knows there will be another phase. If there are diminishing resources and competing ideas and when they do incremental things and we are not giving the entire price tag for this project, that is not dealing right with the public.

Noted for the Record

Councilman Streeto leaves his seat in the Chamber at 9:06 p.m.

Councilman Bauer states we don't have money in there for lighting and metering. We are going to do the design in house. There are so many possibilities to busting this budget. They are not in the budget. We keep moving forward and when it comes next we can't go backwards. It is not right to roll out a project; he believes it is a \$2 million project that will roll out in one phase and another.

Councilman Pessina states he is perplexed of Councilman Bauer's view of the project. The citizens will make out. It is getting small businesses to invest and to start new businesses that has rapidly grown. You mention a parking lot and waiving fees and we have a building that will attract good people and it will be a renaissance of the NoWa area. The appropriate parking is the first step to get individuals to invest in businesses. It is like Mark Masselli telling us, when he moves into the building, there will be store fronts available. Rapallo has a cellular phone business and he misses little Tibet.

Noted for the Record

Councilman Streeto returns to his seat at 9:09 p.m.

Councilman Pessina states he sees a new cupcake factory and that is a small business that adds to the City progress and nature. Part of this, we have a historical building. It is something we preserve; it is our history. For all the reasons you said, it doesn't make sense why anyone would not support this. It is an area of Main Street moving in the right direction and he will support this wholeheartedly. He will be happy to see the small businesses moving in.

Councilman Bibisi states it is projects like this that is a stimulus and an anchor for the north end. It attracts business to the north end. We have additional funding from the State and federal government, stimulus grants for sidewalks and trees. It is a gateway to Main Street and our approach is the best: to provide parking. As far as the trolley barn, the man who owns it can put in stores. It will be an attraction.

Councilman Faulkner states he did not come to support this and basically, it is a good project and good for our economy, but there were two words that concerned him which is the eminent domain issue. He had issues about giving away a parking lot for \$300,000 and buying another for \$500,000 but is happy to hear the Community Health Center is chipping in. Hearing Atty Poliner was good and he appreciates the thoughts of the Tine family. He will support it tonight because it will be good for us. Putting on his Insurance and Claims hat, you must have the proper lighting and security. He is uncomfortable with lots in the back.

Councilman Daley states he will support this ordinance and project. One of the things that has helped Middletown is a better economy than many communities and we have been willing to provide incentives and assistance for business development and private investment and it is ironic we are here tonight. I became chairman of the Economic Development Committee 18 years ago and there were two successful popular programs that were left dormant for many years: The REIVNEST Program and the Jobs Loan Program. We reinstituted those two programs and the first REINVEST Loan in 1998 was for Eli Cannon and Phil Ouellette has made us proud and it is a destination point. People come from all over. The comment about helping enhance the area as a gateway is what this is about. Parking is needed in that area and the studies showed this area needs the parking. The new Community Health Center building will bring additional employment which will stimulate the economy. Councilman Bauer's concern, unfortunately things happen. They have been negotiating with Atty Poliner and the Tine family and that's the way things happen. It is needed. He urges the Council to support this project.

Councilman Santangelo states that it is interesting to take a look at the north end; he has been on the Economic Development Commission for a long time and if a business opens, they ask about parking for their customers. Just south of your area, there is a large number of parking spaces; a number along Ferry Street went to the apartments. We lost close to 90 parking spaces in that area. Here we are saying let's build a parking lot. It is a basic common sense rule. A rule of thumb by the planner is they will walk a 200 foot radius. I will walk the distance for a cupcake. A parking lot across the street will save me a lot of steps. It is the gateway to Middletown. My wife and I got together in 1990; the younger daughter asked her mom why she brought her here. They came through the north end of Main Street. Today we ask why don't you come to Middletown. He will support it 100%

Councilman Serra states he sometimes doesn't follow the comments made by Councilman Bauer and reads the ordinance that it will fund lighting, security cameras, etc.; it is right here. He recalls the 1994 reinvestment loan and that you have persevered. It is great to see the renaissance of the north end. We invested in people and their projects. The compassion for the project Mark had for that alone we should support this. Mark wanted to stay here because this is his home town and where he initialized his health service in 1992 and for Phil to sacrifice his business for this project is wonderful. It is unbelievable you have persevered and that you are investing in another venture. He will support this.

Councilman Klattenberg states he agrees with everything his colleagues have said and at the risk of my health, I want to see more of these on Main Street; you will change the whole complexion. A few years ago there was a thought about a bakery on Main Street and encourage you to think of that as well. Your business will be the new look. The north end has been stigmatized; he will support this.

Councilman Bauer states he was asked a specific question by Councilman Pessina and his answer to the question the straw man is he has believed they needed to improve the gateway to the City but the question is what could have been. He can't answer the question because we will never know if we had taken a different approach and advertised if we had \$2 million to improve the gateway and who knows who would have stepped forward. The people only got one option and it is coming out incrementally. We talked about important changes and if we use the same process to develop the river front or other major projections he shudders for what would happen. We need to be more open to what is out there instead of locking ourselves in.

The Chair states 20 years ago the number of people who would be on the north end, you could count on one hand. Phil and Mark and the Buttonwood Tree have been on the north end and incrementally the north end neighborhood that no one would have thought to amount to anything, the area consigned to a ghetto, but it has changed and we have incrementally pushed it out of that. I understand Councilman Bauer's concerns but transactions just don't happen that way. They happen when you have a willing buyer and a willing seller; if you don't have those, the wishes don't amount to anything. You take the deal in front of you. You evaluate the one in front of you and this is in front of us now. If you pass this, this is what it is. We have come along and we all want perfect solutions, but as General Patton said a good plan today defeats a perfect plan tomorrow. This is a perfect plan today and brings us closer to making the neighborhood what it once was. Every immigrant group who came to Middletown came through the north end. It is time to honor those people by bringing it back and by doing the things to bring it back and this is one of those things. He asks for the Council to support this. This is a vote by roll call and states those in favor signify by saying aye; those opposed, say nay.

Councilman Bauer	Nay
Councilman Bibisi	Aye
Councilman Daley	Aye
Councilman Drew	Aye
Councilman Faulkner	Aye
Councilwoman Kasper	Aye
Councilman Klattenberg	Aye
Councilwoman Kleckowski	Aye
Councilman Pessina	Aye
Councilman Santangelo	Aye
Councilman Serra	Aye
Councilman Streeto	Aye

The Chair states the matter passes with eleven affirmative votes, one negative, and no abstentions.

File Name
Description

Middletown 550000kingsclintonproject.doc.docx
AN ORDINANCE APPROPRIATING \$550,000 TO ACQUIRE PROPERTY AND CONSTRUCT PUBLIC PARKINGS FACILITIES IN THE KINGS AND CLINTON AVENUE AREA AND AUTHORIZING THE ISSUE OF \$550,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKINGS OF TEMPORARY BORROWINGS FOR SUCH PURPOSE.

(Approved)

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN:

Section 1. Section 1. The sum of \$550,000 is appropriated to acquire all or portions of real property in the City of Middletown located at 3 Kings Ave (Map 22 Lot 1079), Midstate Auto property on Kingss Ave (Map 22 Lot 0180) and the unused rear portion of 12 Clinton Avenue (Map 22 Block 0185) (said descriptions being approximate and subject to correction and refinement as ultimately acquired), and to construct public parkings facilities thereon including demolition, environmental remediation, paving, lighting, security cameras, call boxes, parkings meters, signage, space configuration, aesthetic improvements and consultant services, survey, title insurance, administrative, printing, legal, and financing costs related thereto, or so much thereof or such additional parkings improvements as may be accomplished within the appropriation, hereafter the "Project". Said appropriation shall be in addition to State and Federal grants in aide thereof, and non City contributions.

Section 2. The expected useful life of the project is twenty years. The total estimated cost of the project is \$550,000, no portion of which is expected to be paid from sources other than the proposed bond issue. It is hereby found and determined by the Council that the project is a single improvement constituting a general benefit to the City of Middletown and its general governmental purposes.

Section 3. To meet said appropriation \$550,000 bonds of the City, or so much thereof as may be necessary for said purpose, may be issued, maturing not later than the twenty years year after their date, or such later date as may be allowed by law. The bonds may be issued in one or more series as shall be determined by the Mayor and the City Treasurer, and the amount of bonds of each series to be issued shall be fixed by the Mayor and the City Treasurer, provided that the total amount of bonds to be issued shall not be less than an amount which will provide funds sufficient with other funds available for such purpose to pay the principal of and the interest on all temporary borrowings in anticipation of the receipt of the proceeds of said bonds outstanding at the time of the issuance thereof, and to pay for the administrative, printing and legal costs of issuing the bonds. The bonds shall be in the denomination of \$1,000 or a whole multiple thereof, or, be combined with other bonds of the City and such combined issue shall be in the denomination per aggregate maturity of \$1,000 or a whole multiple thereof, be issued in bearer form or in fully registered form, be executed in the name and on behalf of the City by the manual or facsimile signatures of the Mayor and the City Treasurer, bear the City seal or a facsimile thereof, be certified by a bank or trust company designated by the Mayor and the City Treasurer, which bank or trust company may be designated the registrar and transfer agent, be payable at a bank or trust company designated by the Mayor and the City Treasurer, and be approved as to their legality by Bond Counsel. They shall bear such rate or rates of interest as shall be determined by the Mayor and the City Treasurer. The bonds shall be general obligations of the City and each of the bonds shall recite that every requirement of law relating to its issue has been duly complied with, that such bond is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon and paid from property taxation to the extent not paid from other funds available for the payment thereof. The aggregate principal amount of the bonds, annual installments of principal, redemption provisions, if any, the date, time of issue and sale and other terms, details and particulars of such bonds, shall be determined by the Mayor and the City Treasurer in accordance with the requirements of the General Statutes of Connecticut, as amended.

Section 4. In connection with the issuance of any bonds or notes authorized herein, the City may exercise any power delegated to municipalities pursuant to Section 7-370b, including the authority to enter into agreements moderating interest rate fluctuation, provided any such agreement or exercise of authority shall be approved by the Common Council. In order to meet the capital cash flow expenditure needs of the City, the Mayor and City Treasurer are authorized to allocate and reallocate expenditures incurred for the Project to any bonds or notes of the City outstanding as of the date of such allocation, and the bonds or notes to which such expenditures have been allocated shall be deemed to have been issued for such purpose, including the bonds and notes and Project herein authorized.

Section 5. Said bonds shall be sold by the Mayor and City Treasurer in a competitive offering or by negotiation, in their discretion. If sold at competitive offering, the bonds shall be at not less than par and accrued interest on the basis of the lowest net or true interest cost to the City, or comparable method. A notice of sale or a summary thereof describing the bonds and setting forth the terms and conditions of the sale shall be published at least five days in advance of the sale in a recognized publication carrying municipal bond notices and devoted primarily to financial news and the subject of state and municipal bonds. If the bonds are sold by negotiation the purchase contract shall be approved by the Mayor and City Treasurer. With respect to the receipt of original issuance premium or bid premium upon the sale of the bonds or notes herein authorized, the Mayor and City Treasurer are authorized, but not required, to apply original issuance premium and bid premium, if applicable, to fund any purpose for which bonds of the City are authorized to be issued, and such application shall reduce the amount of authorized and unissued bonds of the purpose to which the premium was applied, in the amount so applied.

Section 6. The issue of the bonds aforesaid and of all other bonds or notes of the City heretofore authorized but not yet issued, as of the effective date of this Ordinance, would not cause the indebtedness of the City to exceed any debt limit calculated in accordance with law as shown by the "Debt Statement" attached hereto.

Section 7. The Mayor is hereby authorized to spend a sum not to exceed the aforesaid appropriation for the purposes set forth herein, and the Mayor is specifically authorized to make, execute and deliver any contract or contracts, and any other documents necessary or convenient to complete the improvements authorized herein and the financing thereof.

Section 8. The Mayor and the City Treasurer are authorized to make temporary borrowings in anticipation of the receipt of the proceeds of any series of said bonds. Notes evidencing such borrowings shall be signed by the manual or facsimile signatures of the Mayor and the City Treasurer, have the seal of the City or a facsimile thereof affixed, be payable at a bank or trust company designated by the Mayor and the City Treasurer, be certified by a bank or trust

company designated by the Mayor and the City Treasurer pursuant to Section 7-373 of the General Statutes of Connecticut, as amended, and be approved as to their legality by Bond Counsel. They shall be issued with maturity dates which comply with the provisions of the General Statutes governing the issuance of such notes, as the same may be amended from time to time. The notes shall be general obligations of the City and each of the notes shall recite that every requirement of law relating to its issue has been duly complied with, that such note is within every debt and other limit prescribed by law, and that the full faith and credit of the City are pledged to the payment of the principal thereof and the interest thereon. The net interest cost on such notes, including renewals thereof, and the expense of preparing, issuing and marketing them, to the extent paid from the proceeds of such renewals or said bonds, shall be included as a cost of the project. Upon the sale of said bonds the proceeds thereof, to the extent required, shall be applied forthwith to the payment of the principal of and the interest on any such temporary borrowings then outstanding or shall be deposited with a bank or trust company in trust for such purpose.

Section 9. Resolution of Official Intent to Reimburse Expenditures with Borrowings. The City hereby expresses its official intent pursuant to §1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid sixty days prior to and after the date of passage of this ordinance in the maximum amount and for the capital project defined in Section 1 with the proceeds of bonds, notes, or other obligations ("Bonds") authorized to be issued by the City. The Bonds shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the project, or such later date the Regulations may authorize. The Issuer hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Director of Finance or his designee is authorized to pay project expenses in accordance herewith pending the issuance of reimbursement bonds, and to amend this declaration.

Section 10. The Director of Finance is hereby authorized to exercise all powers conferred by Section 3-20e of the general statutes with respect to secondary market disclosure and to provide annual information and notices of material events as enumerated in Securities and Exchange Commission Exchange Act Rule 15c2-12, as amended, as may be necessary, appropriate or desirable to effect the sale of the bonds and notes authorized by this ordinance.

Section 11. It is hereby found and determined that the issue of all, or a portion of, the Bonds, Notes or other obligations of the City authorized to be issued herein as qualified private activity bonds, or with interest that is includable in gross income of the holders thereof for purposes of federal income taxation, is in the public interest. The Mayor and City Treasurer are hereby authorized to issue and utilize without further approval any financing alternative available to municipal governments pursuant to HR1, "MaKings Supplemental Appropriations for Job Preservation and Creation, Infrastructure Investment, Energy Efficiency and Science, Assistance to the Unemployed, and State and Local Fiscal Stabilization, for the Fiscal Year Ending September 30, 2009, and for other purposes" (the "American Recovery and Reinvestment Act of 2009"),), as the same may be reauthorized or reenacted, or analogous legislation, including but not limited to any "tax credit bond," or "Build America Bonds" including Direct Payment and Tax Credit Versions.

DEBT STATEMENT
August 1, 2010
CITY OF MIDDLETOWN, CONNECTICUT

ANNUAL RECEIPTS FROM TAXATION AND REIMBURSEMENTS ("BASE")	
Fiscal Year Ended June 30, 2009	101,003,827
BORROWING CAPACITY FOR EACH CLASS	
2-1/4 times base for General Purposes	227,258,611
4-1/2 times base for Schools	454,517,222
3-3/4 times base for Sewers	378,764,351
3-1/4 times base for Urban Renewal	328,262,438
3 times base for Unfunded Past Benefit Obligations	303,011,481
MAXIMUM AGGREGATE BORROWING CAPACITY	707,026,789
7 times Base	
INDEBTEDNESS BONDS AND NOTES:	
GENERAL PURPOSES	27,977,150
SCHOOLS	28,216,800
SEWERS	4,341,850
URBAN RENEWAL	-
UNFUNDED PAST BENEFIT OBLIGATIONS	-
BONDS AND NOTES AUTHORIZED BUT UNISSUED:	
GENERAL PURPOSES	44,145,3310
SCHOOLS	923,449
SEWERS	8,954,044
URBAN RENEWAL	-
UNFUNDED PAST BENEFIT OBLIGATIONS	-
CLEAN WATER FUND LOANS:	
SEWERS	6,681,645
SUB-TOTAL INDEBTEDNESS	121,240,645
LESS	
FEDERAL AND STATE OF CONNECTICUT BUILDING GRANTS, COMMITMENTS AND RECEIVABLES	
GENERAL PURPOSE	-
SCHOOLS	-
SEWERS	-
URBAL RENEWAL	-
TOTAL DEDUCTIONS	-

NET INDEBTEDNESS

TOTAL DEDUCTIONS

121,240,645

BALANCE OF BORROWING CAPACITY FOR
EACH CLASS:

GENERAL PURPOSE	155,136,130
SCHOOLS	425,376,973
SEWERS	358,786,816
URBAL RENEWAL	328,262,438
UNFUNDED PAST BENEFIT OBLIGATIONS	303,011,481

BALANCE OF MAXIMUM AGGREGATE BORROWING
CAPACITY AVAILABLE

585,786,524

Agenda Item

Description

8

Department, Committee, Commission Reports and Grant Approvals

The Chair recognizes Councilman Serra for Department, committee, commission reports and grant confirmation and approvals. Councilman Serra moves items 8A, 8B, 8C, 8D, 8E, 8F, 8G, 8H, 8I, 8J, 8K, 8L, 8M, 8N, and 8O for approval. Councilman Streeto seconds the motion. The Chair states the Department and Committee reports and Grant confirmations have been moved and seconded and recognizes Councilman Bauer. Councilman Bauer states he wants to mention that he was pleased on the Health grant that they provided the back-up and 8K he doesn't see why we need this communication; it should just be there for reprogramming and why we should we be apprised of it as a grant. He would like to know the remaining balance from the Finance Director. Councilman Faulkner states in regards to 8O, the question is whether any of the hurricane funds will be covered by disaster designations. The Chair states we are eligible, but this time the shore expenditures from the storm will pull us up. The emergency purchase was under a FEMA bid list. There was a huge amount of debris and brush to be disposed of and he saw this work. We were able to move a lot of it out and we did visit a number of locations with FEMA and the State DEEP to discuss reimbursement.

Councilman Bibisi thinks it is appropriate to recognize Public Works and Emergency Management for the work they did. They did a marvelous job. The Chair states Public Works, Health Department, Police and Fire fighters as well as the Caf workers and the building custodians at Middletown High also dealt with people at the shelter. The volunteers of Emergency Management they went and picked up rations and brought them down and operated the point of distribution. They did a great job. We only dealt with the inconvenience. Councilman Bibisi states we should do a resolution; the Chair states they should issue a citation for each person. Councilman Serra states the emergency purchase, it was 50 trucks going in and out per hour. He states they kept the station open all weekend. Seeing no further discussion, he calls for the vote; it is unanimous to approve with twelve aye votes. The Chair states the grants are accepted and approved.

Agenda Item

Description

(Approved)

8A

Town Clerk Certification

august 31, 2011

I, Sandra Russo Driska, City and Town Clerk of the City of Middletown, and custodian of the records and seal thereof, hereby certify that all ordinances and appropriations passed and adopted at the regular meeting of the Common Council on August 1, 2011 at 7:00 p.m. and specials meetings on August 1, 2011 at 6 p.m., August 11, 2011 at 7 p.m. and august 30, 2011 at 7:00 p.m. have been advertised in the local newspaper.

Attest:
Sandra Russo Driska
City & Town Clerk

Agenda Item

Description

(Accepted)

8B

Monthly Reports

Finance Department – Transfer Report to August 26, 2011

Public Works Report with summary/Bldg Permits for July, 2011

Agenda Item

Description

(Approved)

8C

Grant Confirmation and Approval – Board of Education

Name of Grant: As Listed Below

Amount \$496,835.39

Code: 2450-33000-

Grant Period: **From:** 7/1/2011 **To:** 6/30/201

Type of

Amount Loaned from General \$0.00

Department Administering Middletown Board of Education

When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.

Description of services to be provided by this

769 - Middletown Teen Theater \$21,983; 777 - NSLP Equipment Grant \$14,270; 791 - CDBG-Hall House \$27,500; 797 - SERC-Secondary School Reform \$100; 837 - School Readiness \$270,000; 852 - Universal Service Fund \$70; 894 - Swaim Strings Program \$1,645; 801 - Cigna Certified & Paras \$91,575.98; 803 - Workers Compensation \$1,426.80; 805 - Summer School Receipts \$1,730; 807 - Aetna Classified \$845.23; 809 - Maintenance/Rentals \$18,309.85; 823 - Curriculum Receipts \$40,379.53; 898 - Student Activities-M.H.S. \$7,000
Total Special Programs Through 7/19/2011 \$1,815,018.89 ADDITIONS \$496,835.39 Total Special Programs

Requested by: Michael J. Frechette, Ph.D.

Agenda Item
Description

(Accepted)

8D

Grant Confirmation and Approval – Health Department – Emergency Preparedness

Name of Grant: Public Health Emergency Preparedness (BT)

Amount \$56,660.00

Code: 3220-31000-

Grant Period: **From:** 8/10/201 **To:** 8/9/2014

Type of State

Amount Loaned from General \$56,660.00

Department Administering Health Department

When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.

Description of services to be provided by this complete local assessment for project public health ready, Technical Assistance Review of the local mass dispensing area plan; collaborate with other local health department; actively participate in regional drills & exercises that are required by the Cities Readiness Initiative.

Requested by: Joseph A. Havlicek, MD

Agenda Item
Description

(Approved)

8E

Grant Confirmation and Approval – Police Department, Animal Control Donations

Name of Grant: Animal Control Donations

Amount \$4,187.50

Code: 2130-18000-

Grant Period: **From:** To:

Type of Local

Amount Loaned from General \$0.00

Department Administering Police Department/Animal Control

When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.

Description of services to be provided by this The donations received will be used to defray the costs of caring for the animals impounded by the Animal Control

Requested by: Deputy Chief William McKenna

Agenda Item
Description

(Approved)

8F

Grant Confirmation and Approval – Police Department, Strategic Prevention State Incentive

Name of Grant: Middletown Strategic Prevention State Incentive

Amount \$5,000.00

Code: 3585-18000-

Grant Period: **From:** 8/1/2011 **To:** 6/30/201

Type of State

Amount Loaned from General \$5,000.00

Department Administering Police Department

When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.

Description of services to be provided by this This grant is to cover overtime costs associated with the enforcement of underage drinking laws. For example: alcohol compliance checks of local businesses, party patrols, etc.

Requested by: Deputy Chief William McKenna

Agenda Item
Description

8G

Grant Confirmation and Approval – Mayor’s Office, School Readiness,

Quality Enhancement

(Approved)

Name of Grant: School Readiness - Quality Enhancement
Amount \$25,380.00
Code: 3730-33000-
Grant Period: **From:** 7/1/2011 **To:** 6/30/201
Type of State
Amount Loaned from General \$0.00
Department Administering Mayor's Office/Superintendent of Schools/School Readiness Council
When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.
Description of services to be provided by this Funds received through this grant will be utilized to provide assistance to the City's School Readiness Programs to improve or enhance the quality of education for preschoolers.
Requested by: Mayor Sebastian N. Giuliano

Agenda Item
Description

(Approved)

8H
Grant Confirmation and Approval – Planning, Conservation, and Development, North End Acquisition Grant
Name of Grant: North End Acquisition Grant
Amount \$50,000.00
Code: 2143-14000-
Grant Period: **From:** 9/1/2011 **To:** 8/31/201
Type of Local
Amount Loaned from General \$50,000.00
Department Administering Department of Planning, Conservation and Development
When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.
Description of services to be provided by this \$50,000 grant from the Community Health Center to assist with the acquisition of lands on Kings Ave.
Requested by: William Warner

Agenda Item
Description

(Approved)

8I
Grant Confirmation and Approval – Town Clerk, CT State Library Historic Document
Name Ct State Library Historic Document Grant
Amount \$6,000.00
Code: 3361-04000-
Grant Period: **From:** 7/1/2011 **To:** 6/30/201
Type of Local
Amount Loaned from General \$0.00
Department Administering Town Clerk's Office
When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.
Description of services to be provided by this Target Grant from CT. State Library, Records Administration for historical document preservation projects.
Requested by: Sandra Russo-Driska

Agenda Item
Description
(Approved)

8J
Grant Confirmation and Approval – Town Clerk, Historic Preservation
Name of Grant: Historic Preservation
Amount \$10,000.00
Code: 2390-04000-
Grant Period: **From:** 7/1/2011 **To:** 6/30/201
Type of local
Amount Loaned from General \$0.00
Department Administering Town Clerk's Office
When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.
Description of services to be provided by this To continue map and land record historic preservation projects under way.
Requested by: Sandra Russo-Driska

Agenda Item
Description
(Approved)

8K
Grant Confirmation and Approval – Finance Department, LoCIP
Name of Grant: Local Capital Improvement Program
Amount \$55,681.84
Code: 3560-00000-57030

Grant Period: From: 3/1/2011 To:

Type of _____ State _____

Amount Loaned from General	\$55,681.84
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Amount Loaned from General	\$69,661.64
Department Administering	Finance Department

When any department, commission, office or agency is the recipient of any federal, state or other grant allocated for specific purposes, these funds shall be immediately transferred to the specific unit which has made application for such grant. Confirmation and approval of such transfer shall be given at the next regularly scheduled sessions of the Common Council. Notwithstanding any other Charter provision, the action of the Common Council in confirming and approving such transfer shall be an appropriation; no public hearing thereon shall be required and said funds may then be expended for the purposes for which they were granted.

Description of services to be provided by this Due to the completion of several projects, these additional funds are available to be appropriated for LOCIP eligible

Requested by: Carl Erlacher

Agenda Item	Description
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8L

Human Relations Report

4th quarter and Year-end Recruitment and Hiring Report

(Accepted)

Agenda Item	Description
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8M

Emergency Purchase – Water and Sewer Department

North Main Street Pump Station

(Approved)

Agenda Item Description

8N

Emergency Purchase – Public Works

City Yard Condensing unit.

(Approved)

Agenda Item	Description
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80

Emergency Purchase – Public Works

Hurricane Irene Wood Grinding, Northeastern Clearing, Inc.

(Approved)

<u>Agenda Item</u>	<u>Description</u>	<u>(Approved)</u>

9

Payment of City Bills

Councilman Serra moves to pay all bills that have been properly approved. Councilman Pessina seconds the motion. The Chair calls for the vote and the matter is approved with nine aye votes by Council Members Serra, Klattenberg, Pessina, Daley, Bibisi, Santangelo, Kasper, Streeto, Faulkner, Kleckowski, and Drew; and one nay vote by Councilman Bauer. The Chair states the matter is approved with one in opposition and no abstentions.

<u>Agenda Item</u>	<u>Description</u>
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10

Ordinances and Resolutions

Agenda Item

10-1

Councilman Klattenberg reads and moves for approval agenda item 10-1; his motion is seconded by Councilman Streeto.

Councilman Klattenberg states this is the first vote and the second is to be taken in 30 to 90 days. The Chair states because we need nine affirmative votes and this needs to happen two times, he will take the vote by roll call asking those in favor to signify by saying aye and those opposed by saying nay.

Councilman Bauer	Nay
Councilman Bibisi	Aye
Councilman Daley	Aye
Councilman Drew	Aye
Councilman Faulkner	Aye
Councilwoman Kasper	Aye
Councilman Klattenberg	Aye
Councilwoman Kleckowski	Aye
Councilman Pessina	Aye
Councilman Santangelo	Aye
Councilman Serra	Aye
Councilman Streeto	Aye

The Chair states the Council's first vote is eleven in favor and one in opposition. The matter passes.

Ordinance No.
File Name
Description

(Approved)

20-11
sec31-37
Approving the elimination of the Consumer Protection Department.
(First Vote)

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN that a new Article X, Department of Consumer Protection, be added to Chapter 31 of the Middletown Code of Ordinances to read as follows:

ARTICLE X
Department of Consumer Protection

Sec. 31-37. Elimination.

In accordance with Chapter III, Section 6 of the Charter of the City of Middletown, the Department of Consumer Protection is eliminated as a City department.

Agenda Item

10-2

Councilman Streeto reads and moves for approval agenda item 10-2; his motion is seconded by Councilwoman Kasper. The Chair, recognizes Councilman Serra who reminds the citizenry this is the referendum on November 8 and the Council has supported this and we need the individual citizens to vote for this and the financial stability is extremely solid; we have watched how we spent our money. The information from the Finance Director is a positive vote on this.

The Chair, hearing no further discussion, calls for the vote. It is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously.

Resolution No.
File Name
Description

(Approved)

135-11
ccreferendumforbondquestionsformin9-2011.doc
Approving providing a referendum for an ordinance appropriating \$13,200,000 for payment of the city of Middletown Mattabassett District Membership Fee and an ordinance appropriating \$14,170,000 for the City of Middletown 2011 Road, Sidewalk, and Public Work’s Facilities Improvement Program set for November 8, 2011 between the hours of 6 a.m. and 8 p.m. and approving the questions and ballot labels as stated in the resolution.

BE IT HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN:

That the ordinance entitled “AN ORDINANCE APPROPRIATING \$13,200,000 FOR PAYMENT OF THE CITY OF MIDDLETOWN MATTABASSETT DISTRICT MEMBERSHIP FEE AND ASSOCIATED COSTS AND AUTHORIZING THE ISSUE OF \$13,200,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE”, as adopted by this meeting of the Common Council, be submitted to a referendum vote of the electors of the City for approval or disapproval in conjunction with the general election on November 8, 2011, between the hours of 6:00 A.M. and 8:00 P.M. and that the warning of said referendum state the question to be voted upon and the ballot label with respect thereto as follows:

Question 1:

“Shall the ordinance entitled ‘AN ORDINANCE APPROPRIATING \$13,200,000 FOR PAYMENT OF THE CITY OF MIDDLETOWN MATTABASSETT DISTRICT MEMBERSHIP FEE AND ASSOCIATED COSTS AND AUTHORIZING THE ISSUE OF \$13,200,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE’, as adopted by the Common Council on September 6, 2011, be approved? YES NO”

The ballot label for said question shall read as follows:

“Shall the City appropriation of \$13.2 million to be financed by the issuance of general obligation bonds for payment of \$13 million to the Mattabassett District to become a member of the District, and to pay City administrative expenses associated with joining the District, pursuant to the ordinance adopted by the Common Council on September 6, 2011, be approved? YES NO”

That the ordinance entitled “AN ORDINANCE APPROPRIATING \$14,170,000 FOR THE CITY OF MIDDLETOWN 2011 ROAD, SIDEWALK AND PUBLIC WORKS FACILITES IMPROVEMENT PROGRAM AND AUTHORIZING THE ISSUE OF \$14,170,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE”, as adopted by this meeting of the Common Council, be submitted to a referendum vote of the electors of the City for approval or disapproval in conjunction with the general election on November 8, 2011, between the hours of 6:00 A.M. and 8:00 P.M. and that the warning of said referendum state the question to be voted upon and the ballot label with respect thereto as follows:

Question 2:

“Shall the ordinance entitled ‘AN ORDINANCE APPROPRIATING \$14,170,000 FOR THE CITY OF MIDDLETOWN 2011 ROAD, SIDEWALK

AND PUBLIC WORKS FACILITES IMPROVEMENT PROGRAM AND AUTHORIZING THE ISSUE OF \$14,170,000 BONDS OF THE CITY TO MEET SAID APPROPRIATION AND PENDING THE ISSUANCE THEREOF THE MAKING OF TEMPORARY BORROWINGS FOR SUCH PURPOSE', as adopted by the Common Council on September 6, 2011, be approved YES NO"

The ballot label for said question shall read as follows:

"Shall the \$14,170,000 appropriation and bond authorization for the City of Middletown 2011 Road, Sidewalk and Public Works Facilities Improvement Program, as adopted by the Common Council, be approved? YES NO"

The voting will be by paper/electronic ballot. Those desiring to vote for the question shall fill in the box in front of the question on the ballot at "YES". Those desiring to vote against the question shall fill in the box in front of the question on the ballot at "NO". Absentee ballots will be made available in accordance with law.

The warning of said referendum shall also state that the full text of the aforesaid ordinance and question are on file open to public inspection in the office of the City and Town Clerk, that the vote on the aforesaid bond ordinance is taken pursuant to Chapter IX, Section 2 of the City Charter and Chapters 90 and 152 of the Connecticut General Statutes, as amended, and that absentee ballots will be made available in accordance with the law.

Agenda Item 10-3

Councilman Daley reads and moves for approval agenda item 10-3; his motion is seconded by Councilman Pessina.

Noted for the Record

Council Members Kasper and Klattenberg have left their seats in the chamber at 9:42 p.m.

The Chair, hearing no discussion, calls for the vote. It is nine aye votes by Council Members Serra, Pessina, Daley, Bibisi, Santangelo, Streeto, Faulkner, Kleckowski, and Drew and one nay vote by Councilman Bauer. The Chair states the matter passes one in opposition and no abstentions.

Resolution No.
File Name
Description

136-11
PCDparkingtrolleybarn
Authorizing the Mayor to sign documents for the "Old Trolley Barn Parking Lot" proposal (3 Kings Avenue, Midstate Auto Property on Kings Avenue, and the unused rear portion of 12 Clinton Avenue) for the purpose of creating public parking in accordance with City Ordinance and CT General Statutes as outlined in the resolution and authorizing the Finance Director in the name of the municipality, to petition the Superior Court to acquire the property by eminent domain if the Mayor is unable to reach agreement with the owner for the amount of compensation for the property.

(Approved)

WHEREAS, the City of Middletown Parking and Traffic Study and the \$400,000 EPA Brownfields Assessment Grant Funds identified the need for additional parking in the North End of Downtown to benefit residents and commercial interests, improve access and visibility to the 40,000 square foot historic trolley barn for a higher and better use, improve appearance of gateway and remediate environmental contamination, and

Whereas the approval and construction of the new Community Health Center at the corner of Main and Grand exacerbated the limited parking in the north end but certainly brought increased investment and will bring increased vehicular and pedestrian traffic; and

Whereas the Redevelopment Agency has spent the last year studying "brownfield" properties in Middletown in general and in the north and south end gateways in particular; and

Whereas the Agency conducted public meetings to discuss the plans prepared for the remediation and future re-use of the brownfield properties in the north end gateway; and

WHEREAS, the Redevelopment Agency has identified properties at 3 Kings Ave (Map 22 Lot 1079) and Midstate Auto property on Kings Ave (Map 22 Lot 0180) and the unused rear portion of 12 Clinton Avenue (Map 22 Block 0185) as properties that could be acquired to create 60 additional parking spaces adjacent to the new Grand Street city parking lot (aka "Old Trolley Barn Parking Lot" proposal); and

Whereas the Community Health Center has agreed to contribute \$50,000 towards the acquisition of the Tine property and will demolish the existing two (2) family home on 3 Kings Ave. prior to the city closing on the property; and

Whereas the Economic Development Agency endorsed the "Old Trolley Barn Parking Lot" proposal at their August 8th, 2011 regular meeting and sent it forward to the full Common Council.

Now therefore be it resolved by the Common Council of the City of Middletown: That the Mayor be and hereby is empowered and authorized to sign all documents necessary to acquire and acquire real property as discussed in this resolution for the purpose of creating public parking in accordance with the "Old Trolley Barn Parking Lot" proposal as presented to the Council and in accordance with City Ordinances and Connecticut General Statutes; and

Be It Further Resolved: That whenever the Mayor is unable to agree with the owner of any property as to the compensation to be paid for such property, the Finance Director, in the name of the municipality, may petition the Superior Court for the Judicial District of Middlesex to

acquire such property by eminent domain, subject to the provisions of the Connecticut General Statutes.

Agenda Item 10-4

Councilman Serra reads and moves agenda item 10-4 for approval and is seconded by Councilman Pessina. The Chair states the item has been moved and seconded and calls for discussion. Seeing none, he calls for the vote. It is unanimous to approve with ten aye votes. Council Members Kasper and Klattenberg are not in the chamber for the vote. The Chair states the matter passes unanimously.

Resolution No.
File Name
Description

137-11
cdbidwaiver-Utility
Approving the waiving of the competitive bidding requirements in accordance with Section 78-8 of the Middletown Code of Ordinances for Central Communications to award a contract entitled “Maintenance of Radio Communications Systems” to Utility Communications of New Haven CT, to maintain its public safety and local governmental radio communications infrastructure.

(Approved)

Be It Resolved by the Common Council of the City of Middletown: that the City of Middletown needs to maintain its public safety and local governmental radio communications infrastructure; and

Whereas, that infrastructure includes repeater systems, base station radios, mobile radios, portable radios and all aspects of communications equipment located in Central Communications, other City agencies or at remote sites and in all City vehicles; and

Whereas, the vendor, Utility Communications of New Haven, CT has performed such work for the City since 1996; and

Whereas, Utility Communications agrees to maintain its 2006 contract pricing for a period of at least three years; and

Whereas, Utility Communications has the ability to maintain, install and repair certain equipment by way of being a direct factory authorized representative and performs those functions without the use of outside contracted labor; and

Whereas, the Standardization Committee has met and agreed to the waiving of the Competitive bidding requirements; and

Now, therefore, be it resolved by the Common Council of the City of Middletown: That the competitive bidding requirement be waived in accordance with Section 78-8 of the Middletown Code of Ordinances; and

And Be it further resolved, that Utility Communications of New Haven, CT be awarded the City contract for “Maintenance of Radio Communications Systems”; and

And Be it further resolved, that Utility Communications of New Haven, CT provide the City with all necessary certificates of insurance as required by the Risk Manager’s Office.

FISCAL IMPACT STATEMENT

Currently all Departments that utilize the Maintenance of Radio Communications Systems bid budget that amount needed. There is no cost change. Costs have been maintained at the same level since 2006 and will remain that way until 2014 if approved.

Agenda Item 10-5

Councilman Drew reads and moves for approval agenda item 10-5; his motion is seconded by Councilman Pessina.

Motion to Amend

Councilman Serra moves a friendly amendment relative to 10-5; in the fifth Whereas paragraph and he reads it: “Whereas, to ensure the safety of people who work and recreate in the downtown area, the City of Middletown will move briskly to demolish this building commencing on or after October 16, 2011; and.” Councilman Drew states he will accept it as a friendly amendment. Councilman Serra states there is an additional correction, in the last paragraph change \$222,000 to \$300,000. The Chair states if there are no objections, the changes may be made and deemed made to that effect.

Noted for the Record

Council Members Kasper and Klattenberg take their seats at 9:44 p.m.

The Chair calls for the vote. It is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously.

Resolution No.
File Name
Description

138-11
pwbidwaiverfordemolitionofCapitalTheator
Approving the waiving of the competitive bidding requirement in accordance with Section 78-8 of the Middletown Code of Ordinances to

permit American Contractors, LLC to demolish the former Capitol Theater portion of 350 Main Street at a cost of \$300,000; the City will commence on or after October 16, 2011.

(Amended and Approved)

Whereas, the former Capitol Theater portion of the building located at 350 Main Street was inspected on June 29, 2009 by the Chief Building Official and deemed to be unsafe; and

Whereas, the building has continued to deteriorate significantly since that time; and

Whereas, pursuant to Section 115.1 of the 2003 International Building Code portion of the 2005 State building code and 2009 amendments, unsafe structures shall be taken down and removed or made safe; and

Whereas, the City Attorney has obtained a court order to have the owner undertake demolition, but the owner has failed to comply; and

Whereas, to ensure the safety of people who work and recreate in the downtown area, the City of Middletown will move briskly to demolish this building commencing on or after October 16, 2011; and

Whereas, the City has sought the expertise of American Contractors, LLC, to demolish the former theater portion of the building; and

Whereas, the Chief Building Official has confidence that American Contractors, LLC has the experience necessary to handle a project of this nature; and

Whereas, due to the danger posed and the need to demolish the building before the winter season, the Public Works Director and Chief Building Official are recommending bids be waived; and

Whereas, the Purchasing and Standardization Committee has approved the requested Bid Waiver with a 2-0 vote on August 23, 2011.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That a bid waiver, in accordance with Section 78-8 of the Middletown Code of Ordinances, be approved to allow American Contractors, LLC, to demolish the former Capitol Theater portion of 350 Main Street at a cost not to exceed \$300,000.

Financial Impact Statement

A general fund appropriation will support this expenditure.

Agenda item **10-6**

Councilwoman Kasper reads and moves for approval agenda item 10-6; her motion is seconded by Councilman Streeto. The Chair recognizes Councilman Bauer who states isn't it the past practice that we would state the new line item by the number to get it into the record. He reads it for the record. The Chair calls for the vote and it is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously.

Resolution No.
File Name
Description

139-11
pkdnewovertimeitem
Approving creating a new line item in the Parking Department Budget entitled Overtime; and approving a \$500 transfer from the new line item 1000-185000-52110, General Administration into the new line item.

(Approved)

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN THAT: A new line item, 1000-18500-51340-0000-00000-0000-000, be created in the Parking Department entitled, Overtime; and

BE IT FURTHER RESOLVED: That \$500 from line item, 1000-18500-52110-0000-00000-0000-000, General Administrative, be transferred into the newly created Overtime line item.

Agenda item **10-7**

Councilman Santangelo reads and moves for approval agenda item 10-7; his motion is seconded by Councilman Drew. The Chair recognizes Councilman Bauer who states the \$60,000, for informational purposes this is the Water Department and they have separate funding but this does go to a project that if you look inside the infrastructure bond there is a bigger amount for this. The GIS mapping will get the City over to completely digitized which is important for future communication or projects with a number of State departments. We are required by the State to finish this up. He wanted to make the public aware this is mandated by the State. Councilman Faulkner states part of the question he has, is this related to the other system. Councilman Bauer responds yes. The Chair, hearing no further discussion, calls for the vote. It is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously.

Resolution No.
File Name
Description

140-11
wsGIS&establishmentof WaterCNR8-11.docx
Approving establishing a new line item in the Water Department Capital Non-Recurring account for GIS Water Mapping in the amount of \$60,000

and approving a transfer from the CNR fund balance of \$60,000 into the new line item.

(Approved)

BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN THAT: The Water Pollution Control Authority authorizes to the Common Council the establishment of a new line item in the Water Department Capital Non-Recurring (CNR) account for GIS Water Mapping in the amount of \$60,000 with said funding coming from the CNR Fund Balance.

Fiscal Impact: There is no adverse impact to rate holders as the CNR is adequately funded to absorb this current project.

Agenda Item 10-8

Councilman Faulkner reads and moves for approval agenda item 10-8; his motion is seconded by Councilman Pessina. The Chair recognizes Councilman Santangelo who states before this evening’s meeting the Director of Emergency Management spoke to me and states that prior to Irene coming, emergency management was in need of trucks. They do extraordinary work and this agreement that you will sign with the Health Department is for two trucks. The Chair states this goes to the State Dept of Public Health and any agreements I am allowed to sign and it is not for a specific agreement. Councilman Santangelo states that Bruce approached by him and said it was for two trucks. The State will maintain them and fuel them; it is two 2005 GMC trucks. The Chair states one was at the high school this past week.

Councilman Bauer states your honor we have 10-8 in front of us and would ask a rhetorical question. Even though it is mandated in the Charter, are we not required by outside agencies to verify that you can sign on behalf of the City with a Council resolution. The Chair responds, yes that happens quite often; there is a continuing general resolution and that resolution is submitted by the town clerk with a certification and city seal that is normally sufficient; sometimes different agencies want their own and it would be good until it is rescinded. And in this instance a specific one for this transaction.

Councilwoman Kleckowski states this is an important part of Emergency Management and they were used to pick up food; the trucks are free, gas and maintenance. This is an important tool in case of another emergency.

Hearing no further discussion, the Chair calls for the vote. It is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously.

Resolution No.
File Name
Description

141-11
emmayorauthorizationtosignpublichealthcontracts
Authorizing Sebastian N. Giuliano, Mayor of the City of Middletown to make, execute and approve contracts on behalf of the City of Middletown with the State of Connecticut Department of Public Health.

(Approved)

Be it resolved by the Common Council of the City of Middletown: That Sebastian N. Giuliano, Mayor of the City of Middletown, is authorized to make, execute and approve on behalf of the City of Middletown, any and all contracts or amendments thereof with the State of Connecticut Department of Public Health.

Agenda Item 10-9

Councilman Faulkner reads and moves for approval agenda item 10-9, and his motion was seconded by Councilman Pessina.

The Chair states the matter has been moved and seconded and recognizes Councilman Bauer. Councilman Bauer states what confused him was 10-9 and it has everything to do with 8D. He states this has nothing to do with the trucks and can we have correspondence for what the City received. The Chair states 8D has everything attached to it and for the vote. The vote is unanimous with twelve aye votes. The Chair states the matter passes unanimously.

Resolution No.
File Name
Description

142-11
he8-11publichealthemergencypreparednessloan56,660.
Approving a loan from the general fund into the Health Department’s Public Health Emergency Preparedness (BT) grant in the amount of \$56,660, with said loan to be repaid upon receipt of State Grant Funds.

(Approved)

Be it resolved by the Common Council of the City of Middletown: That a loan from the general fund for the Health Department’s Public Health Emergency Preparedness (BT) grant to be approved in an amount not to exceed \$56,660.00, with said loan to be repaid upon receipt of State Grant Funds.

Agenda Item 10-10

Councilman Drew reads and moves for approval agenda item 10-10; his motion is seconded by Councilman Pessina. The Chair, hearing no discussion, calls for the vote. It is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously.

Resolution No.
File Name
Description

143-11
prdonovanpavbidwaiver2011-2.
Approving the waiving of the competitive bidding requirement in accordance with Section 78-8 of the Middletown Code of Ordinances to purchase a brand specific picnic shelter, model LB1628 produced by Cedar Forest Products Company; the City will go out to bid for this specific shelter as well as installation with the cost not to exceed \$25,000.

(Approved)

Whereas, the City of Middletown has approved Resolution No. 114-11 which states:

“Be it Resolved by the Common Council of the City of Middletown: That Mayor Sebastian N. Giuliano has signed an application to the State of Connecticut for \$25,000 from the Local Capital Improvement Program (LOCIP) for the purchase and installation of a pavilion at Donovan Park; and

Be It Further Resolved: That \$25,000 for the Donovan Park picnic shelter has been established in line item number, 3560-32000-57030-0321-30172- 000-000;” and

Whereas, the Mayor has accepted the Parks and Recreation Department’s recommendation for a brand specific picnic shelter from the “Cedar Forest Products Co.,” model LB1628, which is similar to existing park shelters; and

Whereas, the Department requested a bid waiver from the Standardization Committee to purchase this brand specific wood picnic shelter from the manufacturer, Cedar Forest Products Co. for Donovan Park, and

Whereas, the Standardization Committee has approved the requested bid waiver.

Now, therefore, be it resolved by the Common Council of the City of Middletown: That a bid waiver, in accordance with Section 78-8 of the Middletown Code of Ordinances be approved to permit the purchase of a brand specific picnic shelter, Model LB1628 produced by Cedar Forest Products Company; and

Be it further resolved: That the City will go out to bid this specific brand and model shelter to include the cost of the shelter as well as installation.

Agenda Item 10-11

Councilman Daley reads and moves for approval agenda item 10-11; his motion is seconded by Councilman Pessina. Seeing no discussion, the Chair calls for the vote. It is unanimous to approve with twelve aye votes. The Chair states the matter passes unanimously.

Resolution No.
File Name
Description

144-11
pcdtransferofpropertybetweenCityandMiddlesexHospital
Approving waiving Sections 232-4 through 232-14 of the Middletown Code of Ordinances regarding the Sale of Public property to allow the transfer of 274 Square Feet to Middlesex Hospital and authorizing the Mayor to sign said documents; the cost of preparing documents and maps for filing will be borne by the Hospital.

(Approved)

WHEREAS, Middlesex Hospital (MH) desires to construct a new combined heat and power facility on hospital owned property and has petitioned the City of Middletown to transfer an adjacent 274 square foot parcel of City of Middletown owned road right of way on Crescent Street; and

WHEREAS, MH is requesting the City of Middletown waive the Sale of Public Property Ordinance Number 25-07 in the Middletown Code of Ordinances §232-4- §232-14 as provided for in article §232-13:

“§232-13 Except to the extent prohibited by law, the requirements described in this article can be waived by a vote of the Common Council if, in the opinion of the Economic Development Committee, such waiver is in the best interest of the City of Middletown.”

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MIDDLETOWN: That the Mayor is authorized to sign all documents necessary to convey this site to Middlesex Hospital; and

BE IT FURTHER RESOLVED: That the transfer is subject to CGS 8-24 approval from the P&Z Commission and that the cost of preparing the required documents and/or map for filing be born solely by MH;

Financial Impact: There is no impact on the general fund.

Agenda Item 11**Description** Mayor's Appointments
(Approved)

The Chair reads the Mayor's appointments and states the name is Goss not Gross; he asks for a motion to approve. Councilman Drew moves them for approval and his motion is seconded by Councilman Pessina. There is no discussion; the vote is called. It is unanimous to confirm with twelve aye votes. The Chair states the vote is unanimous and the appointments are confirmed.

Cable Advisory Committee:

Reappointment of Jonathan Pulino to July 31, 2013.
Reappointment of John Schilke to July 31, 2013.
Reappointment of William Wilson to July 31, 2013.
Appointment of Robin Goss to July 31, 2013.

Inland/Wetlands and Water Courses Agency:

Appointment of Juan Montalvo to October 31, 2012.

Parking Violations Hearing Officer:

Appointment of Juan Montalvo to February 28, 2012.

Middletown Commission on the Arts:

Reappointment of Lee Godburn to June 30, 2014.
Reappointment of Lea Tomaszewski to June 30, 2014.
Appointment of David Davis to June 30, 2013.

Affirmative Action Monitoring Committee:

Reappointment of Annette Ward to April 30, 2014.
Reappointment of Rosa Browne to April 30, 2014.

Middletown Preservation and Design Review Board:

Reappointment of Jeffrey Bianco To June 30, 2014.
Reappointment of Marilyn Mills to June 30, 2014.
Reappointment of Bruce Plumley to June 30, 2014.
Reappointment of Molly Salafia to June 30, 2013.
Reappointment of Benjamin Shoemaker to June 30, 2012.
Reappointment of Nancy Stamler to June 30, 2013.

Agenda Item 12**Description** Contingency Fund Transfers

No Contingency Fund Transfers

Agenda Item 13**Description** Questions to Directors on Nonagenda Items

There are no questions to directors for nonagenda items.

Motion to Adjourn

The Chair asks for a motion to adjourn. Councilman Serra moves to adjourn and his motion is seconded by Councilman Bauer. There is no discussion and the vote is called. It is unanimous to adjourn and the Chair declares it at 10:01 p.m.

ATTEST:

MARIE O. NORWOOD
Common Council Clerk